

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CLERK'S CERTIFICATE AND TRANSMITTAL OF THE RECORD

	e Information
Case Caption: Barbara Ricci	_{vs.} Kohl's, Inc. et al.
Federal Court Case No. 1:21-CV-00040	O State Court Case NoPC-2020-06487
Reco	rd Information
Confidential: Yes No 🗸	Description:
Sealed documents: Yes No 🗸	Description:
	ertification
I, Zoila Corporan , Clerk o	of the Rhode Island Superior Court for the County of ify that the attached documents are all the documents
	Clerk:
Date: Jan/20/2021	_{/s/} Zoila Corporan
	Prepared by: _{/s/} Zoila Corporan
	/s/Zona Gorporan

SC DOCKET SHEET

CASE No. PC-2020-06487

Barbara Ricci Kohl's, Inc. et al.

Providence/Bristol County Location:

The same of the sa

Superior Court 09/16/2020

Filed on: US District Court Case 1:21-CV-00040

Number:

CASE INFORMATION

Statistical Closures

01/20/2021

Closed-Non Trial-Unassigned-Removed to Federal Court

Case Type: Personal Injury

Status:

01/20/2021 Closed

Case Flags: Claim for Jury Trial

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number

PC-2020-06487

Court Date Assigned Providence/Bristol County Superior Court

09/16/2020

PARTY INFORMATION

Plaintiff

Ricci, Barbara

Lead Attorneys

RESMINI, WAYNE

Retained

4017516655 x000(W)

Defendant

Kin, Inc.

Yarbro, Amy B.

Retained 6174397594(W)

Kohl's Department Stores, Inc.

Yarbro, Amy B.

Retained 6174397594(W)

Kohl's of Illinois, Inc.

Yarbro, Amy B.

Retained

6174397594(W)

Kohl's, Inc.

Yarbro, Amy B.

Retained

6174397594(W)

DATE

EVENTS & ORDERS OF THE COURT

EVENTS

01/20/2021

Closed-Non Trial-Unassigned-Removed to Federal Court

01/20/2021

Case Removed to US District Court

01/20/2021

Notice of Removal Notice of Removal

01/20/2021

Notice of Removal Notice of Removal

12/21/2020

Claim of Jury Trial Filed Defendants' Jury Demand

12/21/2020

Answer Filed

Defendants' Answer to Plaintiff's Complaint

SC DOCKET SHEET CASE NO. PC-2020-06487

12/11/2020	Entry of Appearance Defendants, Kin, Inc., Kohl s Department Stores, Inc., Kohl s Inc., Kohls of Illinois (misnamed) Entry of Appearance
10/27/2020	Summons Proof of Service Filed Summons Proof of Service - Defendant Kohl's Department Stores, Inc.
10/27/2020	Summons Proof of Service Filed Summons Proof of Service - Defendant Kohl's of Illinois, Inc.
10/27/2020	Summons Proof of Service Filed Summons Proof of Service - Defendant Kin, Inc.
10/27/2020	Summons Proof of Service Filed Summons Proof of Service - Defendant Kohl's, Inc.
09/16/2020	Summons
09/16/2020	Claim of Jury Trial Filed Jury Trial Demand
09/16/2020	Complaint Filed Complaint

Case Number: PC-2020-06487
Filed in Providence/Bristol County Superion 640-JJM-LDA Document 3 Filed 01/20/21 Page 4 of 120 PageID #: 39
Submitted: 1/20/2021 12:07 PM 1-CVP 100 640-JJM-LDA Document 3 Filed 01/20/21 Page 4 of 120 PageID #: 39
Envelope: 2924280

Reviewer: Zoila C.

EXHIBIT "A"

Case Number: PC-2020-06487
Filed in Providence Bristol County Superior 6410 JJM-LDA Document 3-2File ille 01/02/02212 1P agas of 022 PageID #: 32
Submitted: (1/20/2021 12:07 PM COVER SHEET
Envelope: 2924280
Reviewer 3-2File Pile Oil cover sheet and the information contained herein neither replace nor supplement and service of pleadings or other papers as required by law

I. (a) PLAINTIFFS			DEFE	NDANTS					
Barbara Ricci			KIN, Inc,	Kohl's Dep	artment	Stores, Inc., K	ohl's, Inc., a	nd Kohl	s of IL
(b) County of Residence o	f First Listed Plaintiff CCEPT IN U.S. PLAINTIFF CASE	ES)		f Residence of IN LAND CON THE TRACT O	(IN U.S. PI DEMNATIO	LAINTIFF CASES O			sin)
(c) Attorneys (Firm Name, A	Address, and Telephone Number)		Attorney	s (If Known)					
Wayne G. Resmini, Esq., Cranston, RI 02910, 401-		2 Reservoir Avenue		′arbro, Esq. ИА 02210, (•	on Mahoney L 7500	LP, 250 Sum	ımer St	reet,
II. BASIS OF JURISDI	CTION (Place an "X" in One	Box Only)	I. CITIZENSE (For Diversity		INCIPA	L PARTIES	(Place an "X" in and One Box fo		
☐ 1 U.S. Government Plaintiff	☐ 3 Federal Question (U.S. Government No.	t a Party)	Citizen of This State	PTF		Incorporated or Pr of Business In T	incipal Place	PTF 4	DEF
☐ 2 U.S. Government Defendant	४ 4 Diversity (Indicate Citizenship of	of Parties in Item III)	Citizen of Another S	tate 🗖 2	2 🗖 2	Incorporated and I of Business In A		□ 5	¥ 5
			Citizen or Subject of Foreign Country	°a □ 3	□ 3	Foreign Nation		□ 6	□ 6
IV. NATURE OF SUIT	(Place an "X" in One Box Only)		FORFEITURE/	PENALTY		here for: Nature of KRUPTCY	of Suit Code De		
□ 110 Insurance □ 120 Marine □ 130 Miller Act □ 140 Negotiable Instrument □ 150 Recovery of Overpayment & Enforcement of Judgment □ 151 Medicare Act □ 152 Recovery of Defaulted Student Loans (Excludes Veterans) □ 153 Recovery of Overpayment of Veteran's Benefits □ 160 Stockholders' Suits □ 190 Other Contract □ 195 Contract Product Liability □ 196 Franchise REAL PROPERTY □ 210 Land Condemnation □ 220 Foreclosure □ 230 Rent Lease & Ejectment □ 240 Torts to Land □ 245 Tort Product Liability	PERSONAL INJURY 310 Airplane 315 Airplane Product Liability 320 Assault, Libel & Slander 330 Federal Employers' Liability 340 Marine 345 Marine Product Liability 350 Motor Vehicle Product Liability 355 Motor Vehicle Product Liability 360 Other Personal Injury 362 Personal Injury Medical Malpractice CIVIL RIGHTS 440 Other Civil Rights 441 Voting 442 Employment 443 Housing/ Accommodations	PERSONAL INJURY 3 365 Personal Injury - Product Liability 3 367 Health Care/ Pharmaceutical Personal Injury Product Liability 3 368 Asbestos Personal Injury Product Liability PERSONAL PROPERT 3 370 Other Fraud 3 371 Truth in Lending 1 380 Other Personal Property Damage 1 385 Property Damage Product Liability PRISONER PETITIONS Habeas Corpus: 1 463 Alien Detainee 1 510 Motions to Vacate Sentence 1 530 General 1 535 Death Penalty	☐ 625 Drug Related of Property 2☐ 690 Other	Randards corrected to the dedical Litigation stirement rity Act	422 Apper 423 Without 28 Uithout 28	al 28 USC 158 Irawal SC 157 ETY RIGHTS rights t t - Abbreviated Drug Application mark SECURITY 1395ff) Lung (923) C/DIWW (405(g)) Title XVI 405(g)) L TAX SUITS (U.S. Plaintiff efendant)	375 False Cl: 376 Qui Tam 3729(a) 400 State Re 410 Antitrust 430 Banks ar 450 Commer 460 Deportat 470 Rackete 480 Consum 485 Telephor 490 Cable/Sc 850 Securitie Exchang 890 Other State 891 Agricult 893 Environt 895 Freedom 895 Freedom 896 Arbitrati 899 Adminis	aims Act (31 USC) apportions apportions and Banking ce cion er Influenc Organizati er Credit ne Consun on Act tt TV ss/Common gututory Act ural Acts mental Ma of Inform on trative Pro ew or App Decision	ment g eed and ons mer dities/ tions atters nation occdure
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V. ORIGIN (Place an "X" in Proceeding X2 Reproceeding VI. CAUSE OF ACTION COMPLAINT: VII. REQUESTED IN COMPLAINT:	Employment 446 Amer. w/Disabilities - Other Other 448 Education 3 Reference of the Court Cite the U.S. Civil Status 28 U.S.C. §§ 1332, Brief description of causcivil suit, diversity jumples Rule 23, C(S) (See instructions):	Other: 1 540 Mandamus & Other 1 550 Civil Rights 1 555 Prison Condition 1 560 Civil Detainee - Conditions of Confinement emanded from ppellate Court te under which you are 1 441 se: urisdiction S A CLASS ACTION F.R.Cv.P.	462 Naturalizatio 465 Other Immig Actions 4 Reinstated or Reopened filling (Do not cite juri.) DEMAND \$ 1,750,000	n Application ration 1 5 Transferr Another I (specify)	District es unless div C JI	Litigation Transfer versity): HECK YES only URY DEMAND:	State	Multidis Litigatio Direct Fi	on - le

Print Save As...

Filed in Providence/Bristol County Superior 6240-JJM-LDA Document 3-2Filede0102022121Pagage & 122 PageID #: 33

Envelope: 2924280

Reviewer: Zoila C.

II.

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X"

- in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below. United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box, Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked. Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; NOTE: federal question actions take precedence over diversity cases.)
- III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit. Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: Nature of Suit Code Descriptions.
- V. **Origin.** Place an "X" in one of the seven boxes.
 - Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date. Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation - Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.

Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket. PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statue.

- VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. Do not cite jurisdictional statutes unless diversity. Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P. Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction. Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases. This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

Filed in Providence/Bristol County-Superior 1011 MM DAAD Document 13 1 Filed to 1020/2012 1 Page of of of 20 Page D#: 142 Submitted: 1/20/2021 12:07 Pm

Envelope: 2924280 Reviewer: Zoila C.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF RHODE ISLAND

BARBARA RICCI

C.A. NO.

Plaintiff

VS.

KIN, INC, alias KOHL'S DEPARTMENT STORES, INC., alias, KOHL'S INC., alias, KOHL'S INC., alias, KOHLS OF ILLINOIS, alias, and DOE 1 THRU 4, **INCLUSIVE**

Defendants

DEFENDANTS' NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1446(a) and Local Rule Cv 81, the defendants, KIN, Inc., Kohl's Department Stores, Inc., Kohl's, Inc., and Kohls of Illinois (misnamed) (collectively, "the Kohl's Defendants"), hereby give notice of their removal of this action from the Providence/Bristol County Superior Court of Rhode Island to the United States District Court for the District of Rhode Island. In support of this Notice, the Kohl's Defendants respectfully state as follows:

BACKGROUND

1. By Summons and Complaint, plaintiff Barbara Ricci ("Ms. Ricci" or "Plaintiff") commenced a civil action against the Kohl's Defendants in Providence/Bristol County Superior Court entitled Barbara Ricci v. KIN, Inc., alias Kohl's Department Stores, Inc., alias, Kohl's Inc., alias, Kohl's Inc., alias, Kohls Of Illinois, alias, and Doe 1 Thru 4, Inclusive, C.A. No. PC-2020-06487 ("the Superior Court Action"). True and complete copies of the Summons and Complaint that the Plaintiff caused to be served upon the Kohl's Defendants are attached as Exhibit A.

Case Number: PC-2020-00407

Filed in Providence/Bristol County Superior 1010 MM DAAD Document 13: 1 Filed to 1020/2012 1 Pageg 8 2 foli 20 Pagged D#: 243

Submitted: 1/20/2021 12:07 PM

Envelope: 2924280 Reviewer: Zoila C.

2. Defendants were served with the Summons and Complaint in the Superior Court action on

October 19, 2020 and filed their answer on December 21, 2020. The instant Notice of Removal is

being filed within 30 days of the date of the Kohl's Defendants' Answers, as it became apparent

that removal was appropriate in accordance with 28 U.S.C. § 1446(b)(3).

3. This removal is timely under 28 U.S.C. § 1446(c) despite Plaintiff naming purported non-

diverse defendants—the "Does" doing business in Providence. See Exhibit A, ¶ 2-6. There is no

reasonable possibility that the state's highest court would find that the Complaint stated a cause of

action upon which relief may be granted against the individual "Doe" defendants. Universal Truck

& Equip. Co. v. Southworth-Milton, Inc., 765 F.3d 103, 108 (1st Cir. 2014).

4. A Notice of Filing of Notice of Removal shall be promptly filed by the defendants with the

Providence County Superior Court. 28 U.S.C. § 1446(d).

5. The Superior Court Action is a suit of a wholly civil nature brought in the Superior Court

of the State of Rhode Island, in and for Providence County. The United States District Court for

the District of Rhode Island is therefore the proper forum and venue to which this action may be

removed under the provisions of 28 U.S.C. §§ 101 and 1441(a).

6. This Court has original jurisdiction to entertain this action because the only parties to this

case are citizens of different states and because the plaintiff claims that her potential damages

exceed the sum of \$75,000, exclusive of interest and costs. 28 U.S.C., §§ 1332(a)(1), 1441(a).

Removal of this action is not prohibited by 28 U.S.C. § 1445.

7. With respect to the amount in controversy, the plaintiff has made a demand for "policy

limits," which amount to \$1,750,000.

8. With respect to diversity of citizenship, the plaintiff is a resident of North Providence,

Rhode Island, County of Providence.

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Envelope: 2924280

Reviewer: Zoila C.

9. Defendant KIN, Inc., is a Wisconsin corporation having its principal place of business in

Menomonee Falls, Wisconsin, County of Waukesha.

10. Defendant Kohl's, Inc., is Wisconsin corporation having its principal place of business in

Menomonee Falls, Wisconsin, County of Waukesha.

11. Defendant Kohl's Department Stores, Inc., is Wisconsin corporation having its principal

place of business in Menomonee Falls, Wisconsin, County of Waukesha.

12. Defendant Kohls of Illinois (misnamed) is Wisconsin corporation having its principal place

of business in Menomonee Falls, Wisconsin, County of Waukesha.

13. This Notice of Removal is being filed in the District of Rhode Island, the District Court of

the United States for the district and division within which the Superior Court action is pending.

28 U.S.C. § 1446(a).

WHEREFORE, Defendants respectfully request that the Superior Court action be removed

and herein proceed in the United States District Court for the District of Rhode Island.

The Defendants,

KIN Inc., Kohl's Department Stores, Inc.,

Kohl's, Inc., and Kohls of Illinois

(misnamed),

By Their Attorneys,

/s/ Amy B. Yarbro

Amy B. Yarbro, #8999

ayarbro@morrisonmahoney.com

MORRISON MAHONEY LLP

250 Summer Street

Boston, MA 02210-1181

617-439-7500 Phone:

Fax:

617-342-4918

3

Case Number: PC-2020-06487
Filed in Providence/Bristal County Superior Ord 401-NU MDIAD AD openmente of 1File ideal (20/201/21Paged) 45 of 1.4 (Plaged) D##445
Submitted: 1/20/2027 12:07 PM

Envelope: 2924280 Reviewer: Zoila C.

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants, as listed below, on January 20, 2021.

Wayne G. Resmini, Esq. Resmini Law LLC 1022 Reservoir Avenue Cranston, RI 02910

/s/ Amy B. Yarbro

Case Number: PC-2020-06487
Filed in Providence/Bristol Great Sweeting 2011 INVERSE Page ID #:: 456
Submitted: 1/20/2027 12:07 PM

Supplied: 1/20/2027 12:07 PM

Supplied: 1/20/2027 12:07 PM

Supplied: 2924280

Reviewer: Zoila C.

EXHIBIT "A"

Filed in Providence/Bristol County Superior 2015 PaggellD #:: 457

Submitted: 1/2/2/2/2012:59 RM

Envelope: 2929299 Reviewer: Zioitar (2) H

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

SUMMONS

	Civil Action File Number PC-2020-06487
Plaintiff	Attorney for the Plaintiff or the Plaintiff
Barbara Ricci	Wayne Resmini
v.	Address of the Plaintiff's Attorney or the Plaintiff
Kohl's, Inc. et al.	1022 RESERVOIR AVENUE
Defendant	CRANSTON RI 02910
Licht Judicial Complex	Address of the Defendant
Providence/Bristol County	c/o AFS Corporate Creations Network Inc
250 Benefit Street	10 Dorrance Street Suite 700
Providence RI 02903	Providence RI 02903
(401) 222-3250	

TO THE DEFENDANT, Kin, Inc.:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 9/16/2020.	/s/ Henry Kinch
	Clerk

Witness the seal/watermark of the Superior Court

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STATE OF RHODE ISLAND AND Justice O Inde



PROVIDENCE PLANTATIONS

SUPERIOR COURT

Plaintiff	Civil Action File Number
Barbara Ricci	PC-2020-06487
V.	
Kohl's, Inc. et al.	
Defendant	
was the same	
PROOF OF SERVICE	
I hereby certify that on the date below I served a copy of this Su	ammons, complaint, Language Assistance
Notice, and all other required documents received herewith upon the	
leaving said papers in the following manner:	
☐ With the Defendant personally.	
☐ At the Defendant's dwelling house or usual place of abode wi	th a person of suitable age and discretion
then residing therein.	
Name of person of suitable age and discretion	
Address of dwelling house or usual place of abode	to beginning the second second second second
The second secon	
Age	
Relationship to the Defendant	
With an agent authorized by appointment or by law to receive a	- C
☐ With an agent authorized by appointment or by law to receive se Name of authorized agent	ervice of process.
If the agent is one designated by statute to receive service, furth	on matical as magnined by statutaring since
as noted below.	her notice as required by statute was given
as noted below.	
☐ With a guardian or conservator of the Defendant.	
Name of person and designation	
☐ By delivering said papers to the attorney general or an assistant a	ottomory con and if coming the state
by derivering said papers to the attorney general of an assistant a	attorney general if serving the state.
☐ Upon a public corporation, body, or authority by delivering said	papers to any officer, director, or
manager.	
Name of person and designation	

Page 1 of 2

Filed in Providence/Bristal County Superion (2013) IMALIDAA | Doocumeent31-File (10/10/20/20/21) a grade 4 fol 205 Page ID #: 49 Submitted: 10/20/20/219 AM

Envelope: 2909299

Reviewer: Zootan@ H





Honor PROVIDENCE PLANTATIONS

SUPERIOR COURT

By delivering said papers to an officer or a managing or general agent. Name of person and designation By leaving said papers at the office of the corporation with a person employed therein. Name of person and designation By delivering said papers to an agent authorized by appointment or by law to receive service of process. Name of authorized agent Coffork Tacked If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below. BERVICE DATE: Month Day Year Year Year Year Year Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED. Signature HAROLD W. CUIMETTE R.I. GONSTABLE #6129 So #43 On this day of , 20 , before me, the undersigned notary public, personally appeared or proved to the notary through satisfactory evidence of identification, which was , to be the person who signed above in my presence, and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge. Notary Public: My commission expires: Notary Valentification managent Mercon widentification managent Mercon widentification managent Managent Mercon widentification	Upon a private corporation, domestic or foreign:
By leaving said papers at the office of the corporation with a person employed therein. Name of person and designation By delivering said papers to an agent authorized by appointment or by law to receive service of process. Name of authorized agent Coffork Credital Lac. If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below. BERVICE DATE: Month Day Year Month Day WoulkETTE R.I. Constable #6129 South South Collider Month Day Month Day Month Day Dersonally known to the notary or personally known to the notary or proved to the notary through satisfactory evidence of identification, which was to be the person who signed above in my presence, and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge. Notary Public: My commission expires:	
Name of person and designation By delivering said papers to an agent authorized by appointment or by law to receive service of process. Name of authorized agent	
By delivering said papers to an agent authorized by appointment or by law to receive service of process. Name of authorized agent	☐ By leaving said papers at the office of the corporation with a person employed therein.
Name of authorized agent	Name of person and designation
as noted below. I was unable to make service after the following reasonable attempts: SERVICE DATE: Month Day Year 3 43 // SERVICE FEE \$ Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED. Signature State of HAROLD W. OUIMETTE R.I. CONSTABLE #6129 County of Joyn before me, the undersigned notary public, personally appeared proved to the notary through satisfactory evidence of identification, which was to be the person who signed above in my presence, and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge. Notary Public: My commission expires:	By delivering said papers to an agent authorized by appointment or by law to receive service of process.
as noted below. I was unable to make service after the following reasonable attempts: SERVICE DATE: Month Day Year 3 43 // SERVICE FEE \$ Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED. Signature State of HAROLD W. OUIMETTE R.I. CONSTABLE #6129 County of Joyn before me, the undersigned notary public, personally appeared proved to the notary through satisfactory evidence of identification, which was to be the person who signed above in my presence, and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge. Notary Public: My commission expires:	Name of authorized agent Coffort Crations Litural, Inc
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On this day of, 20, before me, the undersigned notary public, personally appeared personally known to the notary or proved to the notary through satisfactory evidence of identification, which was, to be the person who signed above in my presence, and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge. Notary Public: My commission expires:	
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	appeared \(\sigma\) personally known to the notary
and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge. Notary Public:	or \square proved to the notary through satisfactory evidence of identification, which was
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Page 2 of 2

SC-CMS-1 (revised July 2014)

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Filed in Providence/Bristol County Superior 2015 PaggellD #:: 50 Submitted: 1/2/2/12/2022/012:09 PM

Envelope: 2929299

Reviewer: Zootana H

STATE OF RHODE ISLAND AND



SUPERIOR COURT

SUMMONS

	Civil Action File Number PC-2020-06487
Plaintiff	Attorney for the Plaintiff or the Plaintiff
Barbara Ricci	Wayne Resmini
v.	Address of the Plaintiff's Attorney or the Plaintiff
Kohl's, Inc. et al.	1022 RESERVOIR AVENUE
Defendant	CRANSTON RI 02910
Licht Judicial Complex	Address of the Defendant
Providence/Bristol County	c/o AFS Corporate Creations Network Inc
250 Benefit Street	10 Dorrance Street Suite 700
Providence RI 02903	Providence RI 02903
(401) 222-3250	

TO THE DEFENDANT, Kohl's Department Stores, Inc.:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 9/16/2020.	/s/ Henry Kinch
	Clerk

Witness the seal/watermark of the Superior Court

Filed in Providence/Bristal Govern Swedio: 645 JJM-LDA Document 3-1Filede01/02/022012 1P agage6600 11.25 PageID #: 50. Submitted: 1020/12/022012 1P agage6600 11.25 PageID #: 50.

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STATE OF RHODE ISLAND AND Justice Quantum Just



O Honor PROVIDENCE PLANTATIONS

SUPERIOR COURT

Plaintiff Barbara Ricci	Civil Action File Number PC-2020-06487
v.	1 0 2020 00 107
Kohl's, Inc. et al.	
Defendant	
URP-GANISM COA	
PROOF OF SERVICE	E
I hereby certify that on the date below I served a copy of this	Summons, complaint, Language Assistance
Notice, and all other required documents received herewith upon th	e Defendant, Kohl's Department Stores, Inc.,
by delivering or leaving said papers in the following manner:	
☐ With the Defendant personally.	9 / /
☐ At the Defendant's dwelling house or usual place of abode	with a person of suitable age and discretion
then residing therein.	
Name of person of suitable age and discretion	
Address of dwelling house or usual place of abode	to the hadiness in the free free free free free free free fr
Age Relationship to the Defendant	100//02/01/
Relationship to the Defendant	
☐ With an agent authorized by appointment or by law to receive	service of process.
Name of authorized agent	
If the agent is one designated by statute to receive service, fu as noted below.	rther notice as required by statute was given
☐ With a guardian or conservator of the Defendant.	
Name of person and designation	
☐ By delivering said papers to the attorney general or an assistant	nt attorney general if serving the state.
☐ Upon a public corporation, body, or authority by delivering sa	aid papers to any officer, director, or
manager.	
Name of person and designation	

Page 1 of 2

Case Number: PC-2020-06487 Filed in Providence/Bristal Gounty Superior CAPULIJM-LDA Document 3-1File de01/02/02/2012 1P agage 7706 f1.25 PageID #: 52
Submitted: 1/02/07/2012 19 AM
Envelope: 2808299

Reviewer: Ziocitan (2a H



O HONOR PROVIDENCE PLANTATIONS

SUPERIOR COURT

Upon a private corporation, domestic or foreign:		
☐ By delivering said papers to an officer or a managing or general agent.		
Name of person and designation		
☐ By leaving said papers at the office of the corporation with a person employed therein.		
Name of person and designation		
By delivering said papers to an agent authorized by appointment or by law to receive service of process.		
Name of authorized agent Corporate Creations Natural, In		
If the agent is one designated by statute to receive service, further notice as required by statute was given		
as noted below.		
☐ I was unable to make service after the following reasonable attempts:		
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SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.		
NOTARIZED.		
Signature HAROLD W. OUIMETTE		
R.I. CONSTABLE #6129		
State of		
County of		
On this day of, 20, before me, the undersigned notary public, personally		
appeared _ personally known to the notary		
or \square proved to the notary through satisfactory evidence of identification, which was		
, to be the person who signed above in my presence,		
and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her		
knowledge.		
Notary Public:		
My commission expires:		
Notary identification number:		

Page 2 of 2

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PROVIDENCE PLANTATIONS

SUPERIOR COURT

SUMMONS

	Civil Action File Number PC-2020-06487
Plaintiff	Attorney for the Plaintiff or the Plaintiff
Barbara Ricci	Wayne Resmini
V.	Address of the Plaintiff's Attorney or the Plaintiff
Kohl's, Inc. et al.	1022 RESERVOIR AVENUE
Defendant	CRANSTON RI 02910
Licht Judicial Complex	Address of the Defendant
Providence/Bristol County	c/o AFS Corporate Creations Network Inc
250 Benefit Street	10 Dorrance Street
Providence RI 02903	Providence RI 02903
(401) 222-3250	

TO THE DEFENDANT, Kohl's, Inc.:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 9/16/2020.	/s/ Henry Kinch	
	Clerk	

Witness the seal/watermark of the Superior Court

Filed in Providence/Bristal Govern Swedio: 64-01016-4011-JJM-LDA Document 3-1Filede011/02022012-1P agae199061125 PageID #: 53-84-01016-10202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-0202012-19-86-01-020201

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PROVIDENCE PLANTATIONS

SUPERIOR COURT

Plaintiff Barbara Ricci	Civil Action File Number PC-2020-06487
v.	1 0 2020 00 10 /
Kohl's, Inc. et al. Defendant	
Detendant	
PROOF OF SERVICE	
I hereby certify that on the date below I served a copy of this Su Notice, and all other required documents received herewith upon the leaving said papers in the following manner:	
☐ With the Defendant personally.	
☐ At the Defendant's dwelling house or usual place of abode wi then residing therein.	th a person of suitable age and discretion
Name of person of suitable age and discretion Address of dwelling house or usual place of abode	ee () Honor
Age	
Relationship to the Defendant	
☐ With an agent authorized by appointment or by law to receive se Name of authorized agent	ervice of process.
If the agent is one designated by statute to receive service, furth as noted below.	ner notice as required by statute was given
☐ With a guardian or conservator of the Defendant. Name of person and designation	
☐ By delivering said papers to the attorney general or an assistant a	attorney general if serving the state.
☐ Upon a public corporation, body, or authority by delivering said manager. Name of person and designation	
or person and designation	

Page 1 of 2

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STATE OF RHODE ISLAND AND Justice O Indi



O HONOR PROVIDENCE PLANTATIONS

SUPERIOR COURT

Upon a private corporation, domestic or foreign:		
☐ By delivering said papers to an officer or a managing or general agent.		
Name of person and designation		
☐ By leaving said papers at the office of the corporation with a person employed therein.		
Name of person and designation		
By delivering said papers to an agent authorized by appointment or by law to receive service of process.		
Name of authorized agent 6 Porte Creations Network Inc		
If the agent is one designated by statute to receive service, further notice as required by statute was given		
as noted below.		
☐ I was unable to make service after the following reasonable attempts:		
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Month Day Year > 93/M		
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SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE		
NOTARIZED.		
Signature HAROLD W. OUIMETTE		
State of R.I. CONSTABLE #6129		
264137		
On this day of, 20, before me, the undersigned notary public, personally		
appeared personally known to the notary		
or \square proved to the notary through satisfactory evidence of identification, which was		
, to be the person who signed above in my presence,		
and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her		
knowledge.		
Notary Public:		
My commission expires:		
Notary identification number:		
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Page 2 of 2

SC-CMS-1 (revised July 2014)

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Envelope: 2909299

Reviewer: Zootana H

STATE OF RHODE ISLAND AND



SUPERIOR COURT

SUMMONS

	Civil Action File Number PC-2020-06487
Plaintiff	Attorney for the Plaintiff or the Plaintiff
Barbara Ricci	Wayne Resmini
v.	Address of the Plaintiff's Attorney or the Plaintiff
Kohl's, Inc. et al.	1022 RESERVOIR AVENUE
Defendant	CRANSTON RI 02910
Licht Judicial Complex	Address of the Defendant
Providence/Bristol County	c/o AFS Corporate Creations Network Inc
250 Benefit Street	10 Dorrance Street Suite 700
Providence RI 02903	Providence RI 02903
(401) 222-3250	

TO THE DEFENDANT, Kohl's of Illinois, Inc.:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 9/16/2020.	/s/ Henry Kinch
550	Clerk

Witness the seal/watermark of the Superior Court

Case Number: PC-2020-06487
Filed in Providence/Bristol County Syponion 2011 IMHLDA Document B-1 Filed 0 1/2/2/2/2 1 Page 2 2 2 fo1 25 Page ID #: 516
Submitted: 10/20/2/2020 PM
Envelope: 2808/289

Reviewer: Zootton (2) H

STATE OF RHODE ISLAND AND Justice O Ind



O HONOR PROVIDENCE PLANTATIONS

SUPERIOR COURT

Plaintiff	Civil Action File Number
Barbara Ricci	PC-2020-06487
V.	
Kohl's, Inc. et al.	
Defendant	
polares expodement	
PROOF OF SERVICE	
I hereby certify that on the date below I served a copy of this	Summons, complaint, Language Assistance
Notice, and all other required documents received herewith upon	
delivering or leaving said papers in the following manner:	
☐ With the Defendant personally.	
☐ At the Defendant's dwelling house or usual place of abode v	with a person of suitable age and discretion
then residing therein.	
Name of person of suitable age and discretion	
Address of dwelling house or usual place of abode	with hardred to To at fundamental such as to
Age	
Relationship to the Defendant	
F	757/
☐ With an agent authorized by appointment or by law to receive	service of process.
Name of authorized agent	
If the agent is one designated by statute to receive service, fur as noted below.	rther notice as required by statute was given
☐ With a guardian or conservator of the Defendant.	
Name of person and designation	
☐ By delivering said papers to the attorney general or an assistan	at attorney general if serving the state.
☐ Upon a public corporation, body, or authority by delivering sa manager.	
Name of person and designation	

Page 1 of 2

SC-CMS-1 (revised July 2014)

Case Number: PC-2020-06487

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Envelope: 2929299 Reviewer: Zootar (2) H





O HOROT PROVIDENCE PLANTATIONS

SUPERIOR COURT

Upon a private corporation, domestic or foreign:		
☐ By delivering said papers to an officer or a managing or general agent.		
Name of person and designation		
☐ By leaving said papers at the office of the corporation with a person employed therein.		
Name of person and designation		
By delivering said papers to an agent authorized by appointment or by law to receive service of process.		
Name of authorized agent Corporate Creeks Network Inc. If the agent is one designated by statute to receive service, further notice as required by statute was given		
If the agent is one designated by statute to receive service, further notice as required by statute was given		
as noted below.		
☐ I was unable to make service after the following reasonable attempts:		
1/102		
SERVICE DATE: 101 191 2010 343 A SERVICE FEE \$ 90		
Month Day Year 3 93 PA		
Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE		
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SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE		
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Signature		
HANDLD W. OUIMETTE		
State of R.I. CONSTABLE #6129		
County of		
Sc of		
On this day of, 20, before me, the undersigned notary public, personally		
appeared personally known to the notary		
or \square proved to the notary through satisfactory evidence of identification, which was		
, to be the person who signed above in my presence,		
and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her		
knowledge.		
Notary Public:		
My commission expires:		
Notary identification number:		

Page 2 of 2

SC-CMS-1 (revised July 2014)

Page 23 Desi Dopation

Case Number: PC-2020-06487 Filed in Providence/Bristal Govern Superior Add IJJMHLDA Document B-1 Filed 0 1/2/2/2/21 P Racy 24 4 fo 125 Page ID #: 58 Submitted: 9/20/2020 18:07 PM

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STATE OF RHODE ISLAND PROVIDENCE, SC.

SUPERIOR COURT

Barbara Ricci	_)
Plaintiff,)
)
Vs.)
) C.A. NO. PC 2020-
Kin, Inc, alias)
Kohl's Department Stores,)
<pre>Inc., alias, Kohl's Inc.,</pre>)
alias, Kohl's Inc., alias,)
Kohls of Illinois, alias, &)
Doe 1 Thru Doe 4, Inclusive)
Defendants,)
	_)

COMPLAINT

- 1. The plaintiff, Barbara Ricci is an individual that is a resident of North Providence, Rhode Island.
- 2. Upon information and belief, Defendant, Kohl's, Inc., alias, and/or Defendant "Doe", aka Defendant, Kohl's Department Stores, Inc., alias, Defendant, "Doe" (hereinafter, "Kohl's") is a foreign corporation with a business address of N56 W17000 Ridgewood Drive in Menomonee Falls, WI 53051 with a licensed to do business address in the State of Rhode Island. Upon information and belief, the Defendant, Kohl's, alias, and/or Defendant, "Doe" is doing business at 321 Putnam Pike, Ste A280 in Smithfield, Rhode Island. The agent for service of process is Corporate Creations Network, Inc., 10 Dorrance Street in Providence, Rhode Island 02903.
- 3. Upon information and belief, Defendant, Kin, Inc., alias, and/or Defendant "Doe", aka Defendant, Kohl's Inc., alias, Defendant, "Doe" (hereinafter, "Kohl's") is a foreign corporation with a business address of N56 W17000 Ridgewood Drive in Menomonee Falls, WI 53051 with a licensed to do business address in the State of Rhode Island. Upon information and belief, the Defendant, Kohl's, alias, and/or Defendant, "Doe" is doing business at 321 Putnam Pike, Ste A280 in Smithfield, Rhode Island. The agent for service of process is Corporate Creations Network, Inc., 10 Dorrance Street, Ste. 700 in Providence, Rhode Island 02903.

Case Number: PC-2020-06487
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Submitted: 9/20/2020 18:07 PM

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- 4. Upon information and belief, Defendant, Kohl's Illinois, Inc., alias, Defendant, "Doe" (hereinafter, "Kohl's") is a foreign corporation with a business address of N56 W17000 Ridgewood Drive in Menomonee Falls, WI 53051 with a licensed to do business address in the State of Rhode Island. Upon information and belief, the Defendant, Kohl's, alias, and/or Defendant, "Doe" is doing business at 321 Putnam Pike, Ste A280 in Smithfield, Rhode Island. The agent for service of process is Corporate Creations Network, Inc., 10 Dorrance Street, Ste. 700 in Providence, Rhode Island 02903.
- 5. Upon information and belief, Defendant, Kolh's Department Stores, Inc., alias, and/or Defendant "Doe", aka Defendant, Kohl's Inc., alias, Defendant, "Doe" (hereinafter, "Kohl's") is a foreign corporation with a business address of N56 W17000 Ridgewood Drive in Menomonee Falls, WI 53051 with a licensed to do business address in the State of Rhode Island. Upon information and belief, the Defendant, Kohl's, alias, and/or Defendant, "Doe" is doing business at 321 Putnam Pike, Ste A280 in Smithfield, Rhode Island. The agent for service of process is Corporate Creations Network, Inc., 10 Dorrance Street, Ste. 700 in Providence, Rhode Island 02903.
- 6. Upon information and belief, defendant, Doe 1 Thru Doe 4, Inclusive, (hereinafter, "Doe" the true names and capacities whether Individual, corporate, or otherwise, of the named herein as Doe 1 thru Doe 4, Inclusive, are unknown to the plaintiffs at the present time, the plaintiffs sue said Doe defendants by such fictitious names. Plaintiffs informed and believed and therefore alleged that each of the defendant designated herein by fictitious names are in some manner responsible for the events a happening herein referred to, and caused the damages proximate and foreseeable hereby to the plaintiffs as hereinafter alleged. Plaintiffs will ask leave of the Court amend this complaint when the true names and capacities of the "Doe" defendant(s) have been ascertained.
- 7. Plaintiffs' damages are sufficient to confer jurisdiction in the Superior Court.

Case Number: PC-2020-06487
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COUNT I

- 8. Several days prior to November 24, 2017, defendant, Kolh's, alias, and/or Defendant, "Doe" conducted an unusual and extensive advertising campaign in the Southern New England Area, advertising on radio, television, newspapers and sending out handbills advertising the fact that Kolh's store would be open early with great "Black Friday," bargains on November 24, 2017.
- 9. On or about November 24, 2017, Plaintiff, Barbara Ricci, was a business invitee upon Defendants premises, Kolhl's, alias, and/or Defendant, "Doe" (hereinafter "Kohl's"), located at 321 Putnam Pike Ste. A 280, Smithfield, Rhode Island and at all times herein was in the exercise of due care and caution so as to allow recovery in this matter.
- 10. On or about November 24, 2017, Defendant, Kolhl's, by and through its agents, servants and/or employees was under the obligation to maintain the premises located at 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island in a clean, good, and safe condition for the general public.
- 11. Defendant, Kolh's, had a duty to exercise reasonable care to protect invitees such as plaintiff, Barbara Ricci from those risks of which Defendant, Kolh's was actually aware, and from those risks of which Kolh's should have been aware after reasonable inspection.
- 12. On November 24, 2017, plaintiff, Barbara "Ricci was on the premises at 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island, the Kolh's building, plaintiff, state, that its officers, agents, and employees under the control and supervision of the defendant, Kolh's negligently and carelessly permitted excessive numbers of individuals onto the premises, placing plaintiff and others lawfully upon the premises in danger of injury from overcrowding.
- 13. Defendant, Kolh's, through its officers, agents, servants and employees, was further negligent in failing to control or supervise the conduct of the crowd within the premises. The crowd was unmanageable, and pushed and jostled plaintiff to such an extent that while she was traversing the aisles, she, lost her footing and tripped slipped fell to the floor. Plaintiff, state, defendants, through its officers, agents, and employees, was further negligent in failings to employ more personal to supervise the crowds

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these negligent acts and omissions was a proximate cause of plaintiff's serious injuries.

- 14. As a direct and proximate result of the defendant's negligence, plaintiff has suffered and will continue to suffer severe physical pain and mental anguish, to plaintiff's damage in an amount within the jurisdictional limits of this court.
- 15. Defendant knew, or reasonably should have known, that crowds generated by its advertising, and the store would have a number of people of all ages shopping in the store and could result in harm to invitees such as that suffered by plaintiff.
- 16. Plaintiff's injuries were the proximate result of defendant's breach of its duty owed plaintiff to exercise reasonable care for plaintiff's protection. Defendant breached its duty of care owed plaintiff in the following particulars:
 - (a) in failing to use special police or security personnel or other appropriate means to keep order in the large crowd at defendant's store on the day of the sale;
 - (b) in failing to make any effort to prevent the crowd from engaging in dangerous pushing, shoving, and scuffling.
- 17. As a proximate result of the defendant's negligence, plaintiff has suffered and continues to suffer severe physical pain and mental anguish, to plaintiff's damage in an amount within the jurisdictional limits of this court.
- 18. As a direct and proximate result of the negligence of the Defendant, Kolhl's, the Plaintiff, Barbara Ricci, sustained severe personal injuries that required medical treatment for pain and suffering, trauma, anxiety, and loss of earning capacity, all of which were proximately caused by the negligence of said Defendant, Kolh's, and/or their agents servants and employees..

WHEREFORE, Plaintiff, Barbara Ricci demands judgment against the Defendant, Kolh's, alias, and/or Defendant, "Doe" plus interest, costs, and attorney fees.

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COUNT II

- 19. Plaintiff hereby incorporates by reference each and every allegation contained in Paragraphs 1 through 18 of Count I above and repeats the same.
- 20. On November 24, 2017, Plaintiff, Barbara Ricci, was a business invitee upon the premises owned by the Defendant, Kolhl's, located at 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island, wherein the Plaintiff, Barbara Ricci, was invited to shop and purchase items from said Defendant, Kolh's, and, while upon said premises, sustained a personal injury.
- 21. Plaintiff, Barbara Ricci, having anticipated paying adequate consideration as a business invitee, imposes a contract of responsibility on said Defendant, Kolhl's', to maintain the property in a sufficient manner as to imply safety for its intended business invitee and guests.
- 22. As a result of the Defendant's, Kolhl's, breach of that contractual duty in failing to maintain its property in a reasonable and safe manner, the Plaintiff, Barbara Ricci, incurred medical expenses.
- 23. Additionally, Plaintiff, Barbara Ricci, sustained consequential damages as a result of the breach of contract by said Defendant, Kolhl's, and requests that she be indemnified accordingly.

WHEREFORE, Plaintiff, Barbara Ricci hereby demands judgment against the Defendant, Kolh's, alias, and/or Defendant, "Doe", on Count II, plus interest and costs.

COUNT III

- 24. Plaintiff hereby incorporates by reference each and every allegation contained in Paragraphs 1 through 23 of Count I and II above and repeats the same.
- 25. On or about November 24, 2017, Plaintiff, Barbara Ricci, was a business invitee upon Defendant, Kolhl's, premises wherein the Plaintiff, Barbara Ricci, was invited to purchase items from said Defendant, Kolhl's, and while upon said premises, sustained a personal injury.

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- 26. Plaintiff, having paid consideration as business invitees, impose a contract of responsibility on said Defendant, Kolhl's, to maintain the property in a sufficient manner as to imply safety for its intended business invitee guests, and, further, by its mode of operation, is responsible for such negligence and foreseen conditions on its premises.
- 27. As a result of the Defendant's, Kohl's, breach of that duly in failing to maintain its property in a reasonable and safe manner, the Plaintiff incurred medical expenses and the loss of love, affection, companionship, society and consortium, all to the detriment of the Plaintiff, and as a result of the Defendant implied agreement to said Plaintiff.
- 28. Additionally, Plaintiff sustained consequential damages as a result of the breach of contract by said Defendant their agent's servants and employees, requests that they be indemnified accordingly.

WHEREFORE, Plaintiff, Barbara Ricci hereby demand judgment against the Defendants, jointly and severally, plus interest and costs.

COUNT IV

- 29. Plaintiff hereby incorporates by reference each and every allegation contained in Paragraphs 1 through 28 of Count I, Count II and Count III above and repeats the same
- 30. At all times mentioned in this complaint, defendant maintained, operated, and controlled a store for the retail sale of merchandise, known as Kolh's, located at 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island, wherein the Plaintiff, Barbara.
- 31. In the aisles of where the plaintiff was injured, defendant Kolh's maintained certain platforms that mannequin was resting on were placed throughout the store. The platforms holding the mannequin extended into the aisle, creating an obstruction to those passing along the aisle. The platforms were of a similar color and approximately the same shade as were floor covering and the platforms were not attached to the floors beneath them and created an unreasonable risk of injury to those passing along the aisle who would fail to notice the platform or be

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distracted by the mannequin would be injured by coming into contact with them.

- 32. At all times mentioned in this complaint, defendant knew or in the exercise of reasonable care should have known that the platforms holding the mannequins created an unreasonable risk of injury by their presence, so that patrons of the Kohls store would be surprised after observing other aisles free of such obstructions and the aisle in question often free of the obstructing seats.
- 33. On November 24, 2017, plaintiff, Barbara Ricci, an invitee on defendant's premises, while viewing merchandise in the store with the intent to make purchases, walked against one of the carts on wheels holding merchandise that could not be places on the shelves, until a few moments prior to that time, had been free of obstruction. Plaintiff's struck the cart and a platform holding a store mannequin and the elderly plaintiff fell to the floor, sustaining injuries: [describe injuries].
- 34. Defendant's negligence in maintaining the nuisance created by the collapsible seats under the circumstances described above without any sign or other device warning of their presence was the proximate cause of plaintiff's injuries.
- 35. The injuries to plaintiff were caused solely and proximately by the negligence of defendant, Kolh's their agents, servants, and employees
- 36. On or about, November 24, 2017, Defendant, Kolh's, by and through its agents, servants and/or employees were under any obligation to maintain the premises of Kolh's located at 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island, in a clean, good and safe condition for the general public.
- 37. On or about November 24, 2017, Defendant, Kolh's by and through its agents, servants and/or employees was negligent in maintain the premises of Kohl's at 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island, tin a clean, good and safe condition so as to cause Plaintiff, Barbara Ricci to suffer injures when she tripped over the cart of one of the aisles.
- 38. As a direct and proximate result of the negligence of the Defendant, Kohl's the plaintiff, Barbara Ricci, sustained severe personal injuries that required medical treatment

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for pain and suffering, trauma anxiety, and loss of earning capacity all of which were proximately caused by the negligence of the Defendant, Kohl's.

WHEREFORE, Plaintiff, Barbara Ricci, hereby demands judgment against the Defendant, Kolh's plus interest and costs.

COUNT V

- 39. Plaintiff hereby incorporates by reference each and every allegation contained in Paragraphs 1 through 38 of Count I, Count II, Count III and Count IV above and repeats the same.
- 40. On or about November 24, 2017, Defendant, Kolh's a selfservice establishment, should have reasonably foreseen that a dangerous condition could occur anywhere in the store due to the product sold in its store.
- 41. Plaintiff, Barbara Ricci, entrusted he safety to Defendant, Kolh's, and imposes a responsibility on said Defendant, Kohl's, to take reasonable precautions necessary to protect her form foreseeable conditions that are related to the owner's self-service mode of operation.
- 42. As a result of not taking reasonable precautions to protect the plaintiff, Barbara Ricci, Defendant, Kolh's breached their duty to provide a safe shopping environment for customers in its tore, and Defendant, Kolh's, is liable for the injuries sustained by the plaintiff, Barbara Ricci, on November 24, 2017.
- 43. As a direct and proximate sures of the negligence of the Defendant, Kolh's, the plaintiff, Barbara Ricci, sustained severe personal injuries that required medical treatment that is ongoing as well as other damages proximately caused by the negligence of the said defendant, Kolh's.
- 44. Damages are sufficient to confer jurisdiction upon the Superior Court.

WHEREFORE, Plaintiff, Barbara Ricci, hereby demands judgment against the Defendant, Kolh's plus interest and costs.

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Count VI

- 45. Plaintiff hereby incorporates by reference each and every allegation contained in Paragraphs 1 through 44 of Count I, Count II, Count IV and Count V above and repeats the same.
- 46. At all times mentioned in this complaint, defendant Kolh's, alias, and/or Defendant, "Doe" owned, operated, and controlled a certain retail store, known as Kolh's located At 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island.
- 47. On November 24, 2017, plaintiff, Barbara Ricci entered defendant's store during the regular hours for retail customers to inspect and, if desired, to purchase defendant's merchandise.
- 48. At all times mentioned in this complaint, defendant had the duty to maintain the premises in a reasonably safe condition for retail customers, including plaintiff, and to provide in particular an aisle or other suitable place from which the customers, including plaintiff, could view the merchandise and make their purchases. In violation of this duty, defendant maintained in one of the aisles provided for customers a cart and clothing on the floor not readily observable by patrons of the store whenever the aisle became crowded. Defendant knew or had reason to know that this obstruction created an unreasonable risk of injury to those patronizing the store and could reasonably foresee that a patron, such as plaintiff, would trip and fall over the obstruction and be injured as a result.
- 49. On the date first mentioned above, while plaintiff traversed the above-mentioned aisle with a number of other patrons, looking at the merchandise and moving with due care to avoid bumping into other patrons, plaintiff tripped over clothing and other obstructions in the aisle, fell to the floor, and sustained injuries.
- 50. Defendant's negligence in failing to provide a reasonably safe aisle within which plaintiff might shop, and in maintaining the above-described obstruction in the aisle, was the proximate cause of plaintiff's injuries.
- 51. The above-described injuries to plaintiff were caused solely and proximately by the negligence of defendant and

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without any contributory negligence on the part of plaintiff.

52. As a direct and proximate sures of the negligence of the Defendant, Kolh's, the plaintiff, Barbara Ricci, sustained severe personal injuries that required medical treatment that is ongoing as well as other damages proximately caused by the negligence of the said defendant, Kolh's.

WHEREFORE, Plaintiff, Barbara Ricci, hereby demands judgment against the Defendant, Kolh's plus interest and costs and such other and further relief as the court deems just and proper.

COUNT VII

- 53. Plaintiff hereby incorporates by reference the allegations of paragraphs 1 through 52 as set forth herein.
- 54. Defendants and their agents, servants and/or employees at all times material herein, owned, operated, managed, controlled, and maintained the premises at 371 Putnam Pike, Ste. A280 Smithfield, Providence County in the State of Rhode Island.
- 55. Defendants and their agent's servants and employees were responsible for providing security and safety measures for crowd management and control at 371 Putnam Pike, Ste. A280 Smithfield, Providence County in the State of Rhode Island.
- 56. Defendants their agents, servants and employees had a duty to use reasonable care and specifically an obligation to inspect, repair and reasonably maintain the subject areas, of the premises which it leased, owned, managed, maintained, controlled and/or operated.
- 57. Defendants failed to inspect and maintain the area in a reasonably safe condition and failed to maintain the premises in a condition fit for its intended and foreseeable use.
- 58. Defendants failed to remove, inspect, or maintain, and/or place a railing, rope, guardrail, or barriers around the platform so that individuals lawfully upon the premises would not slip trip and fall over an object that was not properly anchored to the floor and easy to move.

Case Number: PC-2020-06487
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59. Defendants failed to warn customers on the premises of the dangerous condition on the premises.

- 60. Based upon its obligation to inspect and maintain the subject area, Defendants, their agents servants, and employee knew or should have known that the subject area contained or which could not have been discovered by foreseeable users of the subject area through reasonable observation in a crowded store.
- 61. Defendants knew or should have known that the subject area was open to use by business invitees and guests and encouraged and advertised for customers to be there.
- 62. Defendants and their agents, servants and employees having caused them to exist through negligent maintenance and inspection of the subject area, failed to remove the hidden danger and failed to warn the public, including Plaintiff.
- 63. Defendants knew or should have known that the subject area was open to continual and extensive use by the public. Defendants failed to provide adequate security or crowd control and failed to instruct or warn patrons of the danger of the platform.
- 64. Defendants, having caused the hidden defect to exist through their negligent placement, design, construction, maintenance and inspection of the premises, failed to remove the hidden defect, abate the dangerous conditions, and failed to warn the public, including Plaintiff, Barbara Ricci concerning the hidden defect.
- 65. As a direct and proximate result of Defendants' failure to use due care in the inspection, repair, maintenance, security, crowd control and warnings regarding the subject area, Plaintiff, Barbara Ricci has sustained severe and permanent injuries and other damages described herein.

WHEREFORE, Plaintiff, Barbara Ricci demands judgment against Defendants, Kohl's, alias, and/or Defendant, "Doe" jointly and severally, on this Count plus interest and costs of this action.

THE PLAINTIFFS DEMAND A TRIAL BY JURY ON ALL COUNTS.

Case Number: PC-2020-06487
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> Plaintiff, Barbara Ricci By her Attorney

/s/Wayne G. Resmini, Esq.
Wayne G. Resmini, Esq. #6373
RESMINI LAW LLC
1022 Reservoir Avenue
Cranston, RI 02910
(401) 751-6655 (Phone)
(401) 751-6282 (Facsimile)

Dated: September 1, 2020

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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF RHODE ISLAND

Barbara Ricci Plaintiff,

v. Case No.: 1:21-cv-00040-JJM-LDA

Kin, Inc., et al. Defendant.

CASE OPENING NOTICE – NOTICE OF REMOVAL FROM STATE COURT

The above–captioned case has been removed pursuant to 28 U.S.C. § 1441. The above case number and caption should be used on all papers subsequently submitted to this Court. Any motion pending with the state court at the time of the removal must be refiled with this Court for consideration.

Within 14 days after filing the notice of removal, the defendant(s) filing the notice of removal shall do whatever is necessary to enable the clerk of the state court to assemble and electronically transmit a certified copy of the docket sheet and all documents filed in the case being removed.

It is the responsibility of the defendant(s) to ensure that the state court record is filed with the Court. The clerk of the state court will not electronically transmit the record until the defendant(s) provide written notice to all adverse parties and file a copy of such notice with the clerk of the state court in accordance with 28 U.S.C. § 1446(d).

Pursuant to LR Gen 201(b)(3), an attorney who is a member of the bar of the Rhode Island Supreme Court, and who represents a party in a case removed pursuant to 28 U.S.C. § 1441 *et seq* other than a party joining in the removal request, may appear and practice in this Court in that case, unless that attorney has been suspended or disbarred as a member of the bar of this Court.

Attorneys who are not members of the bar of this Court but who are permitted to appear and practice in this Court pursuant to the provisions of LR Gen 201(b)(3) must register as a Filing User and file documents electronically using the Court's Case Management/Electronic Case Files ("CM/ECF") system by completing the <u>Electronic Filing Registration Form</u>.

Dockets, opinions, rules forms, the court calendar and general notices can be obtained from the Courtr's website at www.rid.uscourts.gov. Parties should specifically review the notice(s) listed below:

Notice of Electronic Availability of Case Information

Notice to Counsel and Pro Se Litigants

Filed in Providence/Spistal Govern Supering Part I MALD AD Document 13: 2Filed to 1020/21Pargeg 672 off 122 Pargeg 618 Files Filed 1020/2021 Pargeg 672 off 122 Pargeg 618 Files Filed 1020/2021 Pargeg 672 off 122 Pargeg 618 Files Filed 1020/2021 Pargeg 672 off 122 Pargeg 618 Filed Filed 1020/2021 Pargeg 672 off 122 Pargeg 618 Filed Filed 1020/2021 Pargeg 672 off 122 Pargeg 618 Filed Filed 1020/2021 Pargeg 672 off 122 Pargeg 618 Filed Filed 1020/2021 Pargeg 672 off 122 Pargeg 618 Filed Filed 1020/2021 Pargeg 672 off 122 Pargeg 618 Filed Filed 1020/2021 Pargeg 672 off 122 Pargeg 618 Filed Filed 1020/2021 Pargeg 672 off 122 Pargeg 618 Filed Filed 1020/2021 Pargeg 672 off 122 Pargeg 618 Filed Filed 1020/2021 Pargeg 672 off 122 Pargeg 618 Filed Filed Filed 1020/2021 Pargeg 672 off 122 Pargeg 618 Filed Filed Filed Filed 1020/2021 Pargeg 672 off 122 Pargeg 618 Filed Filed

Reviewer: Zoila C.

If you wish to inquire about your case by telephone, please contact the case manager at the direct extension listed below.

January 20, 2021

Hanorah Tyer-Witek, Clerk of Court

U.S. District Court for the District of Rhode Island One Exchange Terrace Providence, RI 02903

Case Manager: Barbara Barletta 401–752–7202

Filed in Providence/Bristol County Superior County JJM-LDA Document 3 Filed 01/20/21 Page 38 of 120 PageID #: 73 Submitted: 1/20/2021 12:07 PM

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Reviewer: Zoila C.

STATE OF RHODE ISLAND PROVIDENCE, SC

SUPERIOR COURT

BARBARA RICCI

Plaintiff

C.A. NO. PC-2020-06487

v.

KIN, INC., alias, KOHL's DEPARTMENT STORES, INC., alias, KOHL's INC., alias, KOHL's INC, alias, KOHLS OF ILLINOIS, alias, and DOE 1 THRU 4, INCLUSIVE

Defendants

DEFENDANTS' NOTICE OF REMOVAL TO FEDERAL COURT

PLEASE TAKE NOTICE that on January 20, 2021, the above-captioned action was removed to the United States District Court for the District of Rhode Island pursuant to Title 28 United States Code §§ 1331 and 1367. A copy of said Notice of Removal is attached hereto in accordance with 28 U.S.C. § 1446(d) as Exhibit A.

> The Defendants, By Their Attorneys,

MORRISON MAHONEY LLP

/s/ Amy B. Yarbro

Amy B. Yarbro, #8999 ayarbro@morrisonmahoney.com 250 Summer Street Boston, MA 02210-1181

Phone: 617-439-7500 Fax: 617-342-4918

Filed in Providence/Bristol County Superior Court JJM-LDA Document 3 Filed 01/20/21 Page 39 of 120 PageID #: 74 Submitted: 1/20/2021 12:07 PM

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Reviewer: Zoila C.

CERTIFICATION

I hereby certify that this document filed through the Odyssey File & Serve System will be sent electronically to the registered participants as identified on the Case Service Contacts List and/or paper copies will be sent to those, postage pre-paid, indicated as non-registered participants or participants as listed below this 20th day of January, 2021.

Wayne G. Resmini, Esq. Resmini Law LLC 1022 Reservoir Avenue Cranston, RI 02910

/s/ Amy B. Yarbro, Esq.

Case Number: PC-2020-06487
Filed in Providence/Bristol County Superior Case JUM LIDA Concurrent 31 - Filed In 20/20/2 Page 49 bfof 20 Prograd D##: 325
Submitted: (1/20/30/37 10:25 AM
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Reviewer 18 activities beet and the information contained herein neither replace of the United States in Service of pleadings or other papers as required by law,

I. (a) PLAINTIFFS			DEFENDANTS		
Barbara Ricci			KIN, Inc, Kohl's Department Stores, Inc., Kohl's, Inc., and Kohls of IL		
(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)			County of Residence of First Listed Defendant Waukesha (Wisconsin) (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.		
(c) Attorneys (Firm Name, A	lddress, and Telephone Numbe	r)	Attorneys (If Known)		
Wayne G. Resmini, Esq., Cranston, RI 02910, 401-		022 Reservoir Avenue	e, Amy B. Yarbro, Es Boston, MA 02210	•	LP, 250 Summer Street,
II. BASIS OF JURISDI	CTION (Place an "X" in O	ne Box Only)		RINCIPAL PARTIES	(Place an "X" in One Box for Plainti
☐ 1 U.S. Government Plaintiff	☐ 3 Federal Question (U.S. Government)	Not a Party)		TF DEF 1 1 Incorporated or P of Business In	
☐ 2 U.S. Government Defendant	★ 4 Diversity (Indicate Citizenshi)	p of Parties in Item III)	Citizen of Another State	2 Incorporated and of Business In	Principal Place 🗖 5 🕇 5
			Citizen or Subject of a Foreign Country	3 Foreign Nation	□ 6 □ 6
IV. NATURE OF SUIT		ly) RTS	FODEFITIIDE/PENALTY	Click here for: Nature BANKRUPTCY	of Suit Code Descriptions. OTHER STATUTES
□ 110 Insurance □ 120 Marine □ 130 Miller Act □ 140 Negotiable Instrument □ 150 Recovery of Overpayment ∞ Enforcement of Judgment □ 151 Medicare Act □ 152 Recovery of Defaulted Student Loans (Excludes Veterans) □ 153 Recovery of Overpayment of Veteran's Benefits □ 160 Stockholders' Suits □ 190 Other Contract □ 195 Contract Product Liability □ 196 Franchise REAL PROPERTY □ 210 Land Condemnation □ 220 Foreelosure □ 230 Rent Lease & Ejectment □ 245 Tort Product Liability □ 290 All Other Real Property	PERSONAL INJURY 310 Airplane 315 Airplane Product Liability 320 Assault, Libel & Slander 330 Federal Employers' Liability 340 Marine 345 Marine Product Liability 350 Motor Vehicle Product Liability 360 Other Personal Injury 362 Personal Injury Medical Malpractice CIVIL RIGHTS 440 Other Civil Rights 441 Voting 442 Employment 443 Housing/ Accommodations 445 Amer. w/Disabilities - Employment 446 Amer. w/Disabilities - Other 448 Education	PERSONAL INJURY PERSONAL INJURY Store Personal Injury - Product Liability Health Care/ Pharmaceutical Personal Injury Product Liability Store Personal Injury Product Liability PERSONAL PROPERTY 370 Other Fraud 371 Truth in Lending 380 Other Personal Property Damage Product Liability PERSONAL PROPERTY 580 Other Personal Property Damage Product Liability PRISONER PETITIONS Habeas Corpus: 463 Alien Detainee 510 Motions to Vacate Sentence 530 General 535 Death Penalty Other: 540 Mandamus & Other 550 Civil Rights 555 Prison Condition 560 Civil Detainee - Conditions of Confinement	☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act	422 Appeal 28 USC 158 423 Withdrawal 28 USC 157 PROPERTY RIGHTS 820 Copyrights 830 Patent 835 Patent - Abbreviated New Drug Application 840 Trademark 861 HIA (1395ff) 862 Black Lung (923) 863 DIWC/DIWW (405(g)) 864 SSID Title XVI 865 RSI (405(g)) FEDERAL TAX SUITS 870 Taxes (U.S. Plaintiff or Defendant) 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC ☐ 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and ☐ Corrupt Organizations ☐ 480 Consumer Credit ☐ 485 Telephone Consumer ☐ Protection Act ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/ ☐ Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information ☐ Act ☐ 896 Arbitration ☐ 899 Administrative Procedure ☐ Act/Review or Appeal of ☐ Agency Decision ☐ 950 Constitutionality of ☐ State Statutes
	moved from	Appellate Court	4 Reinstated or Reopened 5 Transfi Reopened 5 Another (specify)	er District Litigation Transfer	
VI. CAUSE OF ACTIO	I 28 U.S.C. §§ 133	2, 1441 use:	ning (Do not cue jurtsaictional sta	unes uniess aiversity):	
VII. REQUESTED IN COMPLAINT:		IS A CLASS ACTION	DEMAND \$ 1,750,000.00	CHECK YES only JURY DEMAND	r if demanded in complaint: : Yes □ No
VIII. RELATED CASE IF ANY	C(S) (See instructions):	JUDGE		DOCKET NUMBER	
DATE		SIGNATURE OF ATTO	DNEV OF DECORD		

Save As... **Print**

Page 40

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II.

cases.)

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X"

- in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below. United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box, Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked. Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; NOTE: federal question actions take precedence over diversity
- III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit. Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: Nature of Suit Code Descriptions.
- V. **Origin.** Place an "X" in one of the seven boxes.
 - Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date. Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation - Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.

Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket. PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statue.

- VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. Do not cite jurisdictional statutes unless diversity. Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P. Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction. Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases. This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF RHODE ISLAND

BARBARA RICCI

C.A. NO.

Plaintiff

VS.

KIN, INC, alias KOHL'S DEPARTMENT STORES, INC., alias, KOHL'S INC., alias, KOHL'S INC., alias, KOHLS OF ILLINOIS, alias, and DOE 1 THRU 4, INCLUSIVE

Defendants

DEFENDANTS' NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1446(a) and Local Rule Cv 81, the defendants, KIN, Inc., Kohl's Department Stores, Inc., Kohl's, Inc., and Kohls of Illinois (misnamed) (collectively, "the Kohl's Defendants"), hereby give notice of their removal of this action from the Providence/Bristol County Superior Court of Rhode Island to the United States District Court for the District of Rhode Island. In support of this Notice, the Kohl's Defendants respectfully state as follows:

BACKGROUND

1. By Summons and Complaint, plaintiff Barbara Ricci ("Ms. Ricci" or "Plaintiff") commenced a civil action against the Kohl's Defendants in Providence/Bristol County Superior Court entitled Barbara Ricci v. KIN, Inc., alias Kohl's Department Stores, Inc., alias, Kohl's Inc., alias, Kohl's Inc., alias, Kohl's Inc., alias, Kohl's Inc., alias, Kohls Of Illinois, alias, and Doe 1 Thru 4, Inclusive, C.A. No. PC-2020-06487 ("the Superior Court Action"). True and complete copies of the Summons and Complaint that the Plaintiff caused to be served upon the Kohl's Defendants are attached as **Exhibit A.**

Filed in Providence/Bristal County Superior Ord 400-NV1 MDIAD AD of Domerne Ot 1 File ideal (20/201/21) alge g43 20 of 1.2 (Page 400-##278 Submitted: 1/20/2021 10:25 AM

Envelope: 2923840 Reviewer: Rachel L.

2. Defendants were served with the Summons and Complaint in the Superior Court action on

October 19, 2020 and filed their answer on December 21, 2020. The instant Notice of Removal is

being filed within 30 days of the date of the Kohl's Defendants' Answers, as it became apparent

that removal was appropriate in accordance with 28 U.S.C. § 1446(b)(3).

3. This removal is timely under 28 U.S.C. § 1446(c) despite Plaintiff naming purported non-

diverse defendants—the "Does" doing business in Providence. See Exhibit A, ¶ 2-6. There is no

reasonable possibility that the state's highest court would find that the Complaint stated a cause of

action upon which relief may be granted against the individual "Doe" defendants. <u>Universal Truck</u>

& Equip. Co. v. Southworth-Milton, Inc., 765 F.3d 103, 108 (1st Cir. 2014).

4. A Notice of Filing of Notice of Removal shall be promptly filed by the defendants with the

Providence County Superior Court. 28 U.S.C. § 1446(d).

5. The Superior Court Action is a suit of a wholly civil nature brought in the Superior Court

of the State of Rhode Island, in and for Providence County. The United States District Court for

the District of Rhode Island is therefore the proper forum and venue to which this action may be

removed under the provisions of 28 U.S.C. §§ 101 and 1441(a).

6. This Court has original jurisdiction to entertain this action because the only parties to this

case are citizens of different states and because the plaintiff claims that her potential damages

exceed the sum of \$75,000, exclusive of interest and costs. 28 U.S.C., §§ 1332(a)(1), 1441(a).

Removal of this action is not prohibited by 28 U.S.C. § 1445.

7. With respect to the amount in controversy, the plaintiff has made a demand for "policy

limits," which amount to \$1,750,000.

8. With respect to diversity of citizenship, the plaintiff is a resident of North Providence,

Rhode Island, County of Providence.

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Reviewer: Rachel L.

9. Defendant KIN, Inc., is a Wisconsin corporation having its principal place of business in

Menomonee Falls, Wisconsin, County of Waukesha.

10. Defendant Kohl's, Inc., is Wisconsin corporation having its principal place of business in

Menomonee Falls, Wisconsin, County of Waukesha.

11. Defendant Kohl's Department Stores, Inc., is Wisconsin corporation having its principal

place of business in Menomonee Falls, Wisconsin, County of Waukesha.

12. Defendant Kohls of Illinois (misnamed) is Wisconsin corporation having its principal place

of business in Menomonee Falls, Wisconsin, County of Waukesha.

13. This Notice of Removal is being filed in the District of Rhode Island, the District Court of

the United States for the district and division within which the Superior Court action is pending.

28 U.S.C. § 1446(a).

WHEREFORE, Defendants respectfully request that the Superior Court action be removed

and herein proceed in the United States District Court for the District of Rhode Island.

The Defendants,

KIN Inc., Kohl's Department Stores, Inc.,

Kohl's, Inc., and Kohls of Illinois

(misnamed),

By Their Attorneys,

/s/ Amy B. Yarbro

Amy B. Yarbro, #8999

ayarbro@morrisonmahoney.com

MORRISON MAHONEY LLP

250 Summer Street

Boston, MA 02210-1181

Phone: 617-439-7500

Fax:

617-342-4918

3

Case Number: PC-2020-06487
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Submitted: 1/20/2021 10:25 AM

Envelope: 2923840 Reviewer: Rachel L.

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants, as listed below, on January 20, 2021.

Wayne G. Resmini, Esq. Resmini Law LLC 1022 Reservoir Avenue Cranston, RI 02910

/s/ Amy B. Yarbro

Case Number: PC-2020-06487
Filed in Providence/Bristol Gount Sweeting 2013 IMALIDA Decumeent 31-File (1/20/20/21/20/21/20/20/2 Page 5 bfof 25 Page ID #: 51
Submitted: 1/20/2021 10:25 AM
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Reviewer: Rachel L.

EXHIBIT "A"

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HONOR PROVIDENCE PLANTATIONS

SUPERIOR COURT

SUMMONS

	Civil Action File Number PC-2020-06487
Plaintiff	Attorney for the Plaintiff or the Plaintiff
Barbara Ricci	Wayne Resmini
v.	Address of the Plaintiff's Attorney or the Plaintiff
Kohl's, Inc. et al.	1022 RESERVOIR AVENUE
Defendant	CRANSTON RI 02910
Licht Judicial Complex	Address of the Defendant
Providence/Bristol County	c/o AFS Corporate Creations Network Inc
250 Benefit Street	10 Dorrance Street Suite 700
Providence RI 02903	Providence RI 02903
(401) 222-3250	

TO THE DEFENDANT, Kin, Inc.:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 9/16/2020.	/s/ Henry Kinch
	Clerk

Witness the seal/watermark of the Superior Court

Case Number: PC-2020-06487
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Reviewer: Rizotobneal LH

STATE OF RHODE ISLAND AND Justice O Ind



PROVIDENCE PLANTATIONS

SUPERIOR COURT

Plaintiff Barbara Ricci	Civil Action File Number PC-2020-06487
V.	
Kohl's, Inc. et al.	
Defendant	
and the second	
PROOF OF SERVICE	
I hereby certify that on the date below I served a copy of this Sun	
Notice, and all other required documents received herewith upon the leaving said papers in the following manner:	e Defendant, Kin, Inc., by delivering or
☐ With the Defendant personally.	
☐ At the Defendant's dwelling house or usual place of abode with	h a person of suitable age and discretion
then residing therein.	
Name of person of suitable age and discretion Address of dwelling house or usual place of abode	
Address of dwelling house of usual place of abode	
Age	
Relationship to the Defendant	
☐ With an agent authorized by appointment or by law to receive ser Name of authorized agent	vice of process.
If the agent is one designated by statute to receive service, further as noted below.	er notice as required by statute was given
☐ With a guardian or conservator of the Defendant. Name of person and designation	
· · · · · · · · · · · · · · · · · · ·	
☐ By delivering said papers to the attorney general or an assistant at	ttorney general if serving the state.
☐ Upon a public corporation, body, or authority by delivering said p manager.	papers to any officer, director, or
Name of person and designation	

Page 1 of 2

SC-CMS-1 (revised July 2014)

Case Number: PC-2020-06487
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Submitted: 1020/72022016:29 AM

Envelope: 2929299 Reviewer: Rizotoheal LH

STATE OF RHODE ISLAND AND Justice O Inc



Honor PROVIDENCE PLANTATIONS

SUPERIOR COURT

Upon a private corporation, domestic or foreign:		
☐ By delivering said papers to an officer or a managing or general agent.		
Name of person and designation		
☐ By leaving said papers at the office of the corporation with a person employed therein.		
Name of person and designation		
By delivering said papers to an agent authorized by appointment or by law to receive service of process.		
Name of authorized agent Cofforak Czcfiss Likesk, Inc. If the agent is one designated by statute to receive service, further notice as required by statute was given		
If the agent is one designated by statute to receive service, further notice as required by statute was given		
as noted below.		
☐ I was unable to make service after the following reasonable attempts:		
SERVICE DATE: 10/19/2020 2/13 (SERVICE FEE \$ 4)		
Month Day Year 3 43 pm		
Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE		
Harana Co. 187 Bertal Ablu alathatal Alathatal		
SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE		
NOTARIZED.		
Signature HAROLD W. OUIMETTE		
State of R.I. CONSTABLE #6129		
Sc 4437		
On this day of, 20, before me, the undersigned notary public, personally		
appeared personally known to the notary		
or \square proved to the notary through satisfactory evidence of identification, which was		
, to be the person who signed above in my presence,		
and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her		
knowledge.		
Notary Public:		
My commission expires:		
Notary identification number:		
A comment in the contract of t		

Page 2 of 2

SC-CMS-1 (revised July 2014)

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Filed in Providence/Bristol County Superior 2015 PaggellD #:: 85

Submitted: 1/2/2/12/2022/019:29 AM

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STATE OF RHODE ISLAND AND



Honor PROVIDENCE PLANTATIONS

SUPERIOR COURT

SUMMONS

	Civil Action File Number PC-2020-06487
Plaintiff	Attorney for the Plaintiff or the Plaintiff
Barbara Ricci	Wayne Resmini
v.	Address of the Plaintiff's Attorney or the Plaintiff
Kohl's, Inc. et al.	1022 RESERVOIR AVENUE
Defendant	CRANSTON RI 02910
Licht Judicial Complex	Address of the Defendant
Providence/Bristol County	c/o AFS Corporate Creations Network Inc
250 Benefit Street	10 Dorrance Street Suite 700
Providence RI 02903	Providence RI 02903
(401) 222-3250	

TO THE DEFENDANT, Kohl's Department Stores, Inc.:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 9/16/2020.	/s/ Henry Kinch
	Clerk

Witness the seal/watermark of the Superior Court

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STATE OF RHODE ISLAND AND Justice O Inde O HONOT PROVIDENCE PLANTATIONS

SUPERIOR COURT

Plaintiff	Civil Action File Number
Barbara Ricci	PC-2020-06487
V.	
Kohl's, Inc. et al.	
Defendant	
PROOF OF SERVICE	
I hereby certify that on the date below I served a copy of this	Summons, complaint, Language Assistance
Notice, and all other required documents received herewith upon the	P
by delivering or leaving said papers in the following manner:	
☐ With the Defendant personally.	
☐ At the Defendant's dwelling house or usual place of abode	with a person of suitable age and discretion
then residing therein.	
Name of person of suitable age and discretion	
Address of dwelling house or usual place of abode	
Age	
Relationship to the Defendant	
☐ With an agent authorized by appointment or by law to receive	somilos of massass
Name of authorized agent	service of process.
If the agent is one designated by statute to receive service, fu	rther notice as required by statute was given
as noted below.	ruler notice as required by statute was given
☐ With a guardian or conservator of the Defendant.	
Name of person and designation	
\square By delivering said papers to the attorney general or an assistan	nt attorney general if serving the state.
☐ Upon a public corporation, body, or authority by delivering sa	id papers to any officer, director, or
manager.	
Name of person and designation	

Page 1 of 2

Case Number: PC-2020-06487
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Submitted: 10207202209:39 AM

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O HONOR PROVIDENCE PLANTATIONS

SUPERIOR COURT

Upon a private corporation, domestic or foreign:
☐ By delivering said papers to an officer or a managing or general agent.
Name of person and designation
☐ By leaving said papers at the office of the corporation with a person employed therein.
Name of person and designation
By delivering said papers to an agent authorized by appointment or by law to receive service of process.
Name of authorized agent Corporate Creations Natural, In
If the agent is one designated by statute to receive service, further notice as required by statute was given
as noted below.
☐ I was unable to make service after the following reasonable attempts:
10 10 2 2
SERVICE DATE: 19/2020 343py SERVICE FEE \$
Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE
CICNATUDE OF DEDCON OTHER THAN A CHEDIER - DEDUTY CHEDIER - CONCEAD RANGE DE
SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.
NOTARIZED.
Signature HAROLD W. OUIMETTE
R.I. CONSTABLE #6129
State of
County of
On this day of, 20, before me, the undersigned notary public, personally
appeared _ personally known to the notary
or \square proved to the notary through satisfactory evidence of identification, which was
, to be the person who signed above in my presence,
and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her
knowledge.
Notary Public:
My commission expires:
Notary identification number:

Page 2 of 2

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STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

SUMMONS

	Civil Action File Number PC-2020-06487
Plaintiff	Attorney for the Plaintiff or the Plaintiff
Barbara Ricci	Wayne Resmini
V.	Address of the Plaintiff's Attorney or the Plaintiff
Kohl's, Inc. et al.	1022 RESERVOIR AVENUE
Defendant	CRANSTON RI 02910
Licht Judicial Complex	Address of the Defendant
Providence/Bristol County	c/o AFS Corporate Creations Network Inc
250 Benefit Street	10 Dorrance Street
Providence RI 02903	Providence RI 02903
(401) 222-3250	

TO THE DEFENDANT, Kohl's, Inc.:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 9/16/2020.	/s/ Henry Kinch	
	Clerk	

Witness the seal/watermark of the Superior Court

Filed in Providence Bristal Govern Superior And LDA Document 3-1File de 01/02/02/2012 1P agacto 4906 (1.25 Page ID #: 83 Submitted: 1/02/07/2012 19 AM

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STATE OF RHODE ISLAND AND Justice O Ind



PROVIDENCE PLANTATIONS

SUPERIOR COURT

Plaintiff Barbara Ricci	Civil Action File Number PC-2020-06487
v.	
Kohl's, Inc. et al. Defendant	
Defendant	
PROOF OF SERVI	ICE
I hereby certify that on the date below I served a copy of the	his Summons, complaint, Language Assistance
Notice, and all other required documents received herewith upon	
leaving said papers in the following manner:	
☐ With the Defendant personally.	-9 \ \
☐ At the Defendant's dwelling house or usual place of about	de with a person of suitable age and discretion
then residing therein.	
Name of person of suitable age and discretion	
Address of dwelling house or usual place of abode	
Age	
Relationship to the Defendant	
☐ With an agent authorized by appointment or by law to rece Name of authorized agent	eive service of process.
If the agent is one designated by statute to receive service, as noted below.	, further notice as required by statute was given
☐ With a guardian or conservator of the Defendant. Name of person and designation	
☐ By delivering said papers to the attorney general or an assistant	stant attorney general if serving the state.
☐ Upon a public corporation, body, or authority by delivering manager.	
Name of person and designation	

Page 1 of 2

SC-CMS-1 (revised July 2014)

Filed in Providence/Bristol County Superior Co

Envelope: 2929299

Reviewer: Rizotobneal LH

STATE OF RHODE ISLAND AND Justice O India



O HONOT PROVIDENCE PLANTATIONS

SUPERIOR COURT

Upon a private corporation, domestic or foreign:			
☐ By delivering said papers to an officer or a managing or general agent.			
Name of person and designation			
☐ By leaving said papers at the office of the corporation with a person employed therein.			
Name of person and designation			
By delivering said papers to an agent authorized by appointment or by law to receive service of process.			
Name of authorized agent Copporate Creations Network Inc			
If the agent is one designated by statute to receive service, further notice as required by statute was given			
as noted below.			
☐ I was unable to make service after the following reasonable attempts:			
112 46 702			
SERVICE DATE: 0 1 9 1 2020 SERVICE FEE \$			
Month Day Year >93//h			
Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE			
MILLIE EN DE LE CHOLE EL CHATE DE LE CHATE DE LE COLE DE LE COLU D			
SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE			
NOTARIZED.			
Signature HAROLD W. OUIMETTE			
State of R.I. CONSTABLE #6100			
County of			
264637			
On this day of, 20, before me, the undersigned notary public, personally			
appeared personally known to the notary			
or proved to the notary through satisfactory evidence of identification, which was			
, to be the person who signed above in my presence,			
and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her			
knowledge.			
Notary Public:			
My commission expires:			
Notary identification number:			
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Page 2 of 2

SC-CMS-1 (revised July 2014)

Page 55

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STATE OF RHODE ISLAND AND



HONOR PROVIDENCE PLANTATIONS

SUPERIOR COURT

SUMMONS

	Civil Action File Number PC-2020-06487
Plaintiff	Attorney for the Plaintiff or the Plaintiff
Barbara Ricci	Wayne Resmini
v.	Address of the Plaintiff's Attorney or the Plaintiff
Kohl's, Inc. et al.	1022 RESERVOIR AVENUE
Defendant	CRANSTON RI 02910
Licht Judicial Complex	Address of the Defendant
Providence/Bristol County	c/o AFS Corporate Creations Network Inc
250 Benefit Street	10 Dorrance Street Suite 700
Providence RI 02903	Providence RI 02903
(401) 222-3250	

TO THE DEFENDANT, Kohl's of Illinois, Inc.:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 9/16/2020.	/s/ Henry Kinch
	Clerk

Witness the seal/watermark of the Superior Court

Case Number: PC-2020-06487
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STATE OF RHODE ISLAND AND Justice O Ind

PROVIDENCE PLANTATIONS

SUPERIOR COURT

Barbara Ricci v. Kohl's, Inc. et al.)20-06487
Vahlla Ina at al	
Defendant	
PROOF OF SERVICE	
I hereby certify that on the date below I served a copy of this Summons, Notice, and all other required documents received herewith upon the Defen delivering or leaving said papers in the following manner:	
☐ With the Defendant personally.	
☐ At the Defendant's dwelling house or usual place of abode with a personal transfer of the second state	on of suitable age and discretion
then residing therein. Name of person of suitable age and discretion	
Address of dwelling house or usual place of abode	
Age	
Relationship to the Defendant	
☐ With an agent authorized by appointment or by law to receive service of part Name of authorized agent	process.
If the agent is one designated by statute to receive service, further notice as noted below.	as required by statute was given
☐ With a guardian or conservator of the Defendant. Name of person and designation	
☐ By delivering said papers to the attorney general or an assistant attorney g	general if serving the state.
☐ Upon a public corporation, body, or authority by delivering said papers to manager.	
Name of person and designation	

Page 1 of 2

SC-CMS-1 (revised July 2014)

Case Number: PC-2020-06487

Filed in Providence/Bristol County Superior Court

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O HOROT PROVIDENCE PLANTATIONS

SUPERIOR COURT

Upon a private corporation, domestic or foreign:			
☐ By delivering said papers to an officer or a managing or general agent.			
Name of person and designation			
☐ By leaving said papers at the office of the corporation with a person employed therein.			
Name of person and designation			
By delivering said papers to an agent authorized by appointment or by law to receive service of process.			
Name of authorized agent Corporate Creeks Network Inc. If the agent is one designated by statute to receive service, further notice as required by statute was given			
If the agent is one designated by statute to receive service, further notice as required by statute was given			
as noted below.			
☐ I was unable to make service after the following reasonable attempts:			
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SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE			
NOTARIZED.			
Signature			
HAROLD W. OUIMETTE			
State of R.I. CONSTABLE #6129			
County of			
On this day of, 20, before me, the undersigned notary public, personally			
appeared personally known to the notary			
or \square proved to the notary through satisfactory evidence of identification, which was			
, to be the person who signed above in my presence,			
and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her			
knowledge.			
Notary Public:			
My commission expires:			
Notary identification number:			

Page 2 of 2

SC-CMS-1 (revised July 2014)

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Case Number: PC-2020-06487
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STATE OF RHODE ISLAND PROVIDENCE, SC.

SUPERIOR COURT

Barbara Ricci	_)
Plaintiff,)
)
Vs.)
) C.A. NO. PC 2020-
Kin, Inc, alias)
Kohl's Department Stores,)
<pre>Inc., alias, Kohl's Inc.,</pre>)
alias, Kohl's Inc., alias,)
Kohls of Illinois, alias, &)
Doe 1 Thru Doe 4, Inclusive)
Defendants,)
	_) ·

COMPLAINT

- 1. The plaintiff, Barbara Ricci is an individual that is a resident of North Providence, Rhode Island.
- 2. Upon information and belief, Defendant, Kohl's, Inc., alias, and/or Defendant "Doe", aka Defendant, Kohl's Department Stores, Inc., alias, Defendant, "Doe" (hereinafter, "Kohl's") is a foreign corporation with a business address of N56 W17000 Ridgewood Drive in Menomonee Falls, WI 53051 with a licensed to do business address in the State of Rhode Island. Upon information and belief, the Defendant, Kohl's, alias, and/or Defendant, "Doe" is doing business at 321 Putnam Pike, Ste A280 in Smithfield, Rhode Island. The agent for service of process is Corporate Creations Network, Inc., 10 Dorrance Street in Providence, Rhode Island 02903.
- 3. Upon information and belief, Defendant, Kin, Inc., alias, and/or Defendant "Doe", aka Defendant, Kohl's Inc., alias, Defendant, "Doe" (hereinafter, "Kohl's") is a foreign corporation with a business address of N56 W17000 Ridgewood Drive in Menomonee Falls, WI 53051 with a licensed to do business address in the State of Rhode Island. Upon information and belief, the Defendant, Kohl's, alias, and/or Defendant, "Doe" is doing business at 321 Putnam Pike, Ste A280 in Smithfield, Rhode Island. The agent for service of process is Corporate Creations Network, Inc., 10 Dorrance Street, Ste. 700 in Providence, Rhode Island 02903.

Case Number: PC-2020-06487
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- 4. Upon information and belief, Defendant, Kohl's Illinois, Inc., alias, Defendant, "Doe" (hereinafter, "Kohl's") is a foreign corporation with a business address of N56 W17000 Ridgewood Drive in Menomonee Falls, WI 53051 with a licensed to do business address in the State of Rhode Island. Upon information and belief, the Defendant, Kohl's, alias, and/or Defendant, "Doe" is doing business at 321 Putnam Pike, Ste A280 in Smithfield, Rhode Island. The agent for service of process is Corporate Creations Network, Inc., 10 Dorrance Street, Ste. 700 in Providence, Rhode Island 02903.
- 5. Upon information and belief, Defendant, Kolh's Department Stores, Inc., alias, and/or Defendant "Doe", aka Defendant, Kohl's Inc., alias, Defendant, "Doe" (hereinafter, "Kohl's") is a foreign corporation with a business address of N56 W17000 Ridgewood Drive in Menomonee Falls, WI 53051 with a licensed to do business address in the State of Rhode Island. Upon information and belief, the Defendant, Kohl's, alias, and/or Defendant, "Doe" is doing business at 321 Putnam Pike, Ste A280 in Smithfield, Rhode Island. The agent for service of process is Corporate Creations Network, Inc., 10 Dorrance Street, Ste. 700 in Providence, Rhode Island 02903.
- 6. Upon information and belief, defendant, Doe 1 Thru Doe 4, Inclusive, (hereinafter, "Doe" the true names and capacities whether Individual, corporate, or otherwise, of the named herein as Doe 1 thru Doe 4, Inclusive, are unknown to the plaintiffs at the present time, the plaintiffs sue said Doe defendants by such fictitious names. Plaintiffs informed and believed and therefore alleged that each of the defendant designated herein by fictitious names are in some manner responsible for the events a happening herein referred to, and caused the damages proximate and foreseeable hereby to the plaintiffs as hereinafter alleged. Plaintiffs will ask leave of the Court amend this complaint when the true names and capacities of the "Doe" defendant(s) have been ascertained.
- 7. Plaintiffs' damages are sufficient to confer jurisdiction in the Superior Court.

Case Number: PC-2020-06487
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COUNT I

- 8. Several days prior to November 24, 2017, defendant, Kolh's, alias, and/or Defendant, "Doe" conducted an unusual and extensive advertising campaign in the Southern New England Area, advertising on radio, television, newspapers and sending out handbills advertising the fact that Kolh's store would be open early with great "Black Friday," bargains on November 24, 2017.
- 9. On or about November 24, 2017, Plaintiff, Barbara Ricci, was a business invitee upon Defendants premises, Kolhl's, alias, and/or Defendant, "Doe" (hereinafter "Kohl's"), located at 321 Putnam Pike Ste. A 280, Smithfield, Rhode Island and at all times herein was in the exercise of due care and caution so as to allow recovery in this matter.
- 10. On or about November 24, 2017, Defendant, Kolhl's, by and through its agents, servants and/or employees was under the obligation to maintain the premises located at 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island in a clean, good, and safe condition for the general public.
- 11. Defendant, Kolh's, had a duty to exercise reasonable care to protect invitees such as plaintiff, Barbara Ricci from those risks of which Defendant, Kolh's was actually aware, and from those risks of which Kolh's should have been aware after reasonable inspection.
- 12. On November 24, 2017, plaintiff, Barbara "Ricci was on the premises at 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island, the Kolh's building, plaintiff, state, that its officers, agents, and employees under the control and supervision of the defendant, Kolh's negligently and carelessly permitted excessive numbers of individuals onto the premises, placing plaintiff and others lawfully upon the premises in danger of injury from overcrowding.
- 13. Defendant, Kolh's, through its officers, agents, servants and employees, was further negligent in failing to control or supervise the conduct of the crowd within the premises. The crowd was unmanageable, and pushed and jostled plaintiff to such an extent that while she was traversing the aisles, she, lost her footing and tripped slipped fell to the floor. Plaintiff, state, defendants, through its officers, agents, and employees, was further negligent in failings to employ more personal to supervise the crowds

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these negligent acts and omissions was a proximate cause of plaintiff's serious injuries.

- 14. As a direct and proximate result of the defendant's negligence, plaintiff has suffered and will continue to suffer severe physical pain and mental anguish, to plaintiff's damage in an amount within the jurisdictional limits of this court.
- 15. Defendant knew, or reasonably should have known, that crowds generated by its advertising, and the store would have a number of people of all ages shopping in the store and could result in harm to invitees such as that suffered by plaintiff.
- 16. Plaintiff's injuries were the proximate result of defendant's breach of its duty owed plaintiff to exercise reasonable care for plaintiff's protection. Defendant breached its duty of care owed plaintiff in the following particulars:
 - (a) in failing to use special police or security personnel or other appropriate means to keep order in the large crowd at defendant's store on the day of the sale;
 - (b) in failing to make any effort to prevent the crowd from engaging in dangerous pushing, shoving, and scuffling.
- 17. As a proximate result of the defendant's negligence, plaintiff has suffered and continues to suffer severe physical pain and mental anguish, to plaintiff's damage in an amount within the jurisdictional limits of this court.
- 18. As a direct and proximate result of the negligence of the Defendant, Kolhl's, the Plaintiff, Barbara Ricci, sustained severe personal injuries that required medical treatment for pain and suffering, trauma, anxiety, and loss of earning capacity, all of which were proximately caused by the negligence of said Defendant, Kolh's, and/or their agents servants and employees..

WHEREFORE, Plaintiff, Barbara Ricci demands judgment against the Defendant, Kolh's, alias, and/or Defendant, "Doe" plus interest, costs, and attorney fees.

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COUNT II

- 19. Plaintiff hereby incorporates by reference each and every allegation contained in Paragraphs 1 through 18 of Count I above and repeats the same.
- 20. On November 24, 2017, Plaintiff, Barbara Ricci, was a business invitee upon the premises owned by the Defendant, Kolhl's, located at 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island, wherein the Plaintiff, Barbara Ricci, was invited to shop and purchase items from said Defendant, Kolh's, and, while upon said premises, sustained a personal injury.
- 21. Plaintiff, Barbara Ricci, having anticipated paying adequate consideration as a business invitee, imposes a contract of responsibility on said Defendant, Kolhl's', to maintain the property in a sufficient manner as to imply safety for its intended business invitee and guests.
- 22. As a result of the Defendant's, Kolhl's, breach of that contractual duty in failing to maintain its property in a reasonable and safe manner, the Plaintiff, Barbara Ricci, incurred medical expenses.
- 23. Additionally, Plaintiff, Barbara Ricci, sustained consequential damages as a result of the breach of contract by said Defendant, Kolhl's, and requests that she be indemnified accordingly.

WHEREFORE, Plaintiff, Barbara Ricci hereby demands judgment against the Defendant, Kolh's, alias, and/or Defendant, "Doe", on Count II, plus interest and costs.

COUNT III

- 24. Plaintiff hereby incorporates by reference each and every allegation contained in Paragraphs 1 through 23 of Count I and II above and repeats the same.
- 25. On or about November 24, 2017, Plaintiff, Barbara Ricci, was a business invitee upon Defendant, Kolhl's, premises wherein the Plaintiff, Barbara Ricci, was invited to purchase items from said Defendant, Kolhl's, and while upon said premises, sustained a personal injury.

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- 26. Plaintiff, having paid consideration as business invitees, impose a contract of responsibility on said Defendant, Kolhl's, to maintain the property in a sufficient manner as to imply safety for its intended business invitee guests, and, further, by its mode of operation, is responsible for such negligence and foreseen conditions on its premises.
- 27. As a result of the Defendant's, Kohl's, breach of that duly in failing to maintain its property in a reasonable and safe manner, the Plaintiff incurred medical expenses and the loss of love, affection, companionship, society and consortium, all to the detriment of the Plaintiff, and as a result of the Defendant implied agreement to said Plaintiff.
- 28. Additionally, Plaintiff sustained consequential damages as a result of the breach of contract by said Defendant their agent's servants and employees, requests that they be indemnified accordingly.

WHEREFORE, Plaintiff, Barbara Ricci hereby demand judgment against the Defendants, jointly and severally, plus interest and costs.

COUNT IV

- 29. Plaintiff hereby incorporates by reference each and every allegation contained in Paragraphs 1 through 28 of Count I, Count II and Count III above and repeats the same
- 30. At all times mentioned in this complaint, defendant maintained, operated, and controlled a store for the retail sale of merchandise, known as Kolh's, located at 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island, wherein the Plaintiff, Barbara.
- 31. In the aisles of where the plaintiff was injured, defendant Kolh's maintained certain platforms that mannequin was resting on were placed throughout the store. The platforms holding the mannequin extended into the aisle, creating an obstruction to those passing along the aisle. The platforms were of a similar color and approximately the same shade as were floor covering and the platforms were not attached to the floors beneath them and created an unreasonable risk of injury to those passing along the aisle who would fail to notice the platform or be

Case Number: PC-2020-06487
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distracted by the mannequin would be injured by coming into contact with them.

- 32. At all times mentioned in this complaint, defendant knew or in the exercise of reasonable care should have known that the platforms holding the mannequins created an unreasonable risk of injury by their presence, so that patrons of the Kohls store would be surprised after observing other aisles free of such obstructions and the aisle in question often free of the obstructing seats.
- 33. On November 24, 2017, plaintiff, Barbara Ricci, an invitee on defendant's premises, while viewing merchandise in the store with the intent to make purchases, walked against one of the carts on wheels holding merchandise that could not be places on the shelves, until a few moments prior to that time, had been free of obstruction. Plaintiff's struck the cart and a platform holding a store mannequin and the elderly plaintiff fell to the floor, sustaining injuries: [describe injuries].
- 34. Defendant's negligence in maintaining the nuisance created by the collapsible seats under the circumstances described above without any sign or other device warning of their presence was the proximate cause of plaintiff's injuries.
- 35. The injuries to plaintiff were caused solely and proximately by the negligence of defendant, Kolh's their agents, servants, and employees
- 36. On or about, November 24, 2017, Defendant, Kolh's, by and through its agents, servants and/or employees were under any obligation to maintain the premises of Kolh's located at 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island, in a clean, good and safe condition for the general public.
- 37. On or about November 24, 2017, Defendant, Kolh's by and through its agents, servants and/or employees was negligent in maintain the premises of Kohl's at 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island, tin a clean, good and safe condition so as to cause Plaintiff, Barbara Ricci to suffer injures when she tripped over the cart of one of the aisles.
- 38. As a direct and proximate result of the negligence of the Defendant, Kohl's the plaintiff, Barbara Ricci, sustained severe personal injuries that required medical treatment

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for pain and suffering, trauma anxiety, and loss of earning capacity all of which were proximately caused by the negligence of the Defendant, Kohl's.

WHEREFORE, Plaintiff, Barbara Ricci, hereby demands judgment against the Defendant, Kolh's plus interest and costs.

COUNT V

- 39. Plaintiff hereby incorporates by reference each and every allegation contained in Paragraphs 1 through 38 of Count I, Count II, Count III and Count IV above and repeats the same.
- 40. On or about November 24, 2017, Defendant, Kolh's a selfservice establishment, should have reasonably foreseen that a dangerous condition could occur anywhere in the store due to the product sold in its store.
- 41. Plaintiff, Barbara Ricci, entrusted he safety to Defendant, Kolh's, and imposes a responsibility on said Defendant, Kohl's, to take reasonable precautions necessary to protect her form foreseeable conditions that are related to the owner's self-service mode of operation.
- 42. As a result of not taking reasonable precautions to protect the plaintiff, Barbara Ricci, Defendant, Kolh's breached their duty to provide a safe shopping environment for customers in its tore, and Defendant, Kolh's, is liable for the injuries sustained by the plaintiff, Barbara Ricci, on November 24, 2017.
- 43. As a direct and proximate sures of the negligence of the Defendant, Kolh's, the plaintiff, Barbara Ricci, sustained severe personal injuries that required medical treatment that is ongoing as well as other damages proximately caused by the negligence of the said defendant, Kolh's.
- 44. Damages are sufficient to confer jurisdiction upon the Superior Court.

WHEREFORE, Plaintiff, Barbara Ricci, hereby demands judgment against the Defendant, Kolh's plus interest and costs.

Case Number: PC-2020-06487
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Count VI

- 45. Plaintiff hereby incorporates by reference each and every allegation contained in Paragraphs 1 through 44 of Count I, Count II, Count IV and Count V above and repeats the same.
- 46. At all times mentioned in this complaint, defendant Kolh's, alias, and/or Defendant, "Doe" owned, operated, and controlled a certain retail store, known as Kolh's located At 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island.
- 47. On November 24, 2017, plaintiff, Barbara Ricci entered defendant's store during the regular hours for retail customers to inspect and, if desired, to purchase defendant's merchandise.
- 48. At all times mentioned in this complaint, defendant had the duty to maintain the premises in a reasonably safe condition for retail customers, including plaintiff, and to provide in particular an aisle or other suitable place from which the customers, including plaintiff, could view the merchandise and make their purchases. In violation of this duty, defendant maintained in one of the aisles provided for customers a cart and clothing on the floor not readily observable by patrons of the store whenever the aisle became crowded. Defendant knew or had reason to know that this obstruction created an unreasonable risk of injury to those patronizing the store and could reasonably foresee that a patron, such as plaintiff, would trip and fall over the obstruction and be injured as a result.
- 49. On the date first mentioned above, while plaintiff traversed the above-mentioned aisle with a number of other patrons, looking at the merchandise and moving with due care to avoid bumping into other patrons, plaintiff tripped over clothing and other obstructions in the aisle, fell to the floor, and sustained injuries.
- 50. Defendant's negligence in failing to provide a reasonably safe aisle within which plaintiff might shop, and in maintaining the above-described obstruction in the aisle, was the proximate cause of plaintiff's injuries.
- 51. The above-described injuries to plaintiff were caused solely and proximately by the negligence of defendant and

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without any contributory negligence on the part of plaintiff.

52. As a direct and proximate sures of the negligence of the Defendant, Kolh's, the plaintiff, Barbara Ricci, sustained severe personal injuries that required medical treatment that is ongoing as well as other damages proximately caused by the negligence of the said defendant, Kolh's.

WHEREFORE, Plaintiff, Barbara Ricci, hereby demands judgment against the Defendant, Kolh's plus interest and costs and such other and further relief as the court deems just and proper.

COUNT VII

- 53. Plaintiff hereby incorporates by reference the allegations of paragraphs 1 through 52 as set forth herein.
- 54. Defendants and their agents, servants and/or employees at all times material herein, owned, operated, managed, controlled, and maintained the premises at 371 Putnam Pike, Ste. A280 Smithfield, Providence County in the State of Rhode Island.
- 55. Defendants and their agent's servants and employees were responsible for providing security and safety measures for crowd management and control at 371 Putnam Pike, Ste. A280 Smithfield, Providence County in the State of Rhode Island.
- 56. Defendants their agents, servants and employees had a duty to use reasonable care and specifically an obligation to inspect, repair and reasonably maintain the subject areas, of the premises which it leased, owned, managed, maintained, controlled and/or operated.
- 57. Defendants failed to inspect and maintain the area in a reasonably safe condition and failed to maintain the premises in a condition fit for its intended and foreseeable use.
- 58. Defendants failed to remove, inspect, or maintain, and/or place a railing, rope, guardrail, or barriers around the platform so that individuals lawfully upon the premises would not slip trip and fall over an object that was not properly anchored to the floor and easy to move.

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- 59. Defendants failed to warn customers on the premises of the dangerous condition on the premises.
- 60. Based upon its obligation to inspect and maintain the subject area, Defendants, their agents servants, and employee knew or should have known that the subject area contained or which could not have been discovered by foreseeable users of the subject area through reasonable observation in a crowded store.
- 61. Defendants knew or should have known that the subject area was open to use by business invitees and guests and encouraged and advertised for customers to be there.
- 62. Defendants and their agents, servants and employees having caused them to exist through negligent maintenance and inspection of the subject area, failed to remove the hidden danger and failed to warn the public, including Plaintiff.
- 63. Defendants knew or should have known that the subject area was open to continual and extensive use by the public.

 Defendants failed to provide adequate security or crowd control and failed to instruct or warn patrons of the danger of the platform.
- 64. Defendants, having caused the hidden defect to exist through their negligent placement, design, construction, maintenance and inspection of the premises, failed to remove the hidden defect, abate the dangerous conditions, and failed to warn the public, including Plaintiff, Barbara Ricci concerning the hidden defect.
- 65. As a direct and proximate result of Defendants' failure to use due care in the inspection, repair, maintenance, security, crowd control and warnings regarding the subject area, Plaintiff, Barbara Ricci has sustained severe and permanent injuries and other damages described herein.

WHEREFORE, Plaintiff, Barbara Ricci demands judgment against Defendants, Kohl's, alias, and/or Defendant, "Doe" jointly and severally, on this Count plus interest and costs of this action.

THE PLAINTIFFS DEMAND A TRIAL BY JURY ON ALL COUNTS.

Case Number: PC-2020-06487
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Submitted: 9/26/2020 10:25 AM

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> Plaintiff, Barbara Ricci By her Attorney

/s/Wayne G. Resmini, Esq.
Wayne G. Resmini, Esq. #6373
RESMINI LAW LLC
1022 Reservoir Avenue
Cranston, RI 02910
(401) 751-6655 (Phone)
(401) 751-6282 (Facsimile)

Dated: September 1, 2020

Case Number: PC-2020-06487 Filed in Providence/Bristol Goupty Sylperio Canti IVI MOLAD AD commente of 2File ideal (2020) 21Page get 1ofil 20Page end ##3406 Submitted: 1/20/2027 10:25 AM

Envelope: 2923840 Reviewer: Rachel L.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF RHODE ISLAND

Barbara Ricci Plaintiff, v.

Case No.: 1:21-cv-00040-JJM-LDA

Kin, Inc., et al. Defendant.

CASE OPENING NOTICE – NOTICE OF REMOVAL FROM STATE COURT

The above—captioned case has been removed pursuant to 28 U.S.C. § 1441. The above case number and caption should be used on all papers subsequently submitted to this Court. Any motion pending with the state court at the time of the removal must be refiled with this Court for consideration.

Within 14 days after filing the notice of removal, the defendant(s) filing the notice of removal shall do whatever is necessary to enable the clerk of the state court to assemble and electronically transmit a certified copy of the docket sheet and all documents filed in the case being removed.

It is the responsibility of the defendant(s) to ensure that the state court record is filed with the Court. The clerk of the state court will not electronically transmit the record until the defendant(s) provide written notice to all adverse parties and file a copy of such notice with the clerk of the state court in accordance with 28 U.S.C. § 1446(d).

Pursuant to LR Gen 201(b)(3), an attorney who is a member of the bar of the Rhode Island Supreme Court, and who represents a party in a case removed pursuant to 28 U.S.C. § 1441 *et seq* other than a party joining in the removal request, may appear and practice in this Court in that case, unless that attorney has been suspended or disbarred as a member of the bar of this Court.

Attorneys who are not members of the bar of this Court but who are permitted to appear and practice in this Court pursuant to the provisions of LR Gen 201(b)(3) must register as a Filing User and file documents electronically using the Court's Case Management/Electronic Case Files ("CM/ECF") system by completing the <u>Electronic Filing Registration Form</u>.

Dockets, opinions, rules forms, the court calendar and general notices can be obtained from the Courtr's website at www.rid.uscourts.gov. Parties should specifically review the notice(s) listed below:

Notice of Electronic Availability of Case Information

Notice to Counsel and Pro Se Litigants

Case Number: PC-2020-06487
Filed in Providence Bristol Gound Supply Supply Supply NUMDIAD AD Commented Tiled (01/02/02/12) Pagage 206120 PaggeDD##3507
Submitted: 1/20/2027 10:25 AM
Envelope: 2923840

Reviewer: Rachel L.

If you wish to inquire about your case by telephone, please contact the case manager at the direct extension listed below.

January 20, 2021

Hanorah Tyer-Witek, Clerk of Court

U.S. District Court for the District of Rhode Island One Exchange Terrace Providence, RI 02903

Case Manager: Barbara Barletta 401–752–7202

Filed in Providence/Briston County Superior 40 15 JM-LDA Document 3 Filed 01/20/21 Page 73 of 120 PageID #: 108 Submitted: 12/21/2020 8:13 AM

Envelope: 2885662 Reviewer: Victoria H

STATE OF RHODE ISLAND PROVIDENCE, SC

SUPERIOR COURT

BARBARA RICCI,

Plaintiff

C.A. NO. PC-2020-06487

v.

KIN, INC, alias KOHL'S DEPARTMENT STORES, INC., alias, KOHL'S INC., alias, KOHL'S INC., alias, KOHLS OF ILLINOIS, alias, & DOE 1 THRU 4, INCLUSIVE,

Defendants

DEFENDANTS' JURY DEMAND

The Defendants, KIN, Inc., Kohl's Department Stores, Inc., Kohl's Inc., Kohls of Illinois (misnamed), hereby demand a jury trial as to all triable issues of right and designates Amy B. Yarbro as trial counsel.

The Defendants,

By Their Attorneys,

MORRISON MAHONEY LLP

Is Amy B. Yarbro

Amy B. Yarbro (Parker), #8999 ayarbro@morrisonmahoney.com 250 Summer Street Boston, MA 02210-1181

Phone: 617-439-7500 Fax: 617-342-4887

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Filed in Providence/Bristol County Superior Gourty Superior Gourty JM-LDA Document 3 Filed 01/20/21 Page 74 of 120 PageID #: 109 Submitted: 12/21/2020 8:13: AM

Envelope: 2885662

Reviewer: Victoria H

CERTIFICATION

I hereby certify that this document filed through the Odyssey File & Serve System will be sent electronically to the registered participants as identified on the Case Service Contacts List and/or paper copies will be sent to those, postage pre-paid, indicated as non-registered participants or participants as listed below this 21st day of December, 2020.

Wayne G. Resmini, Esq. Resmini Law LLC 1022 Reservoir Avenue Cranston, RI 02910

Is Amy B. Yarbro

Filed in Providence Bristol County Superior 40 "5 JM-LDA Document 3 Filed 01/20/21 Page 75 of 120 PageID #: 110

Envelope: 2885662 Reviewer: Victoria H

STATE OF RHODE ISLAND PROVIDENCE, SC

SUPERIOR COURT

BARBARA RICCI,

Plaintiff

C.A. NO. PC-2020-06487

v.

KIN, INC, alias KOHL'S DEPARTMENT STORES, INC., alias, KOHL'S INC., alias, KOHL'S INC., alias, KOHLS OF ILLINOIS, alias, & DOE 1 THRU 4, INCLUSIVE,

Defendants

<u>DEFENDANTS KIN, INC., KOHL'S DEPARTMENT STORES, INC., KOHL'S INC. AND KOHLS OF ILLINOIS' (MISNAMED)</u> <u>ANSWER TO PLAINTIFF'S COMPLAINT</u>

- 1. The defendants are without sufficient information to admit or deny the allegations contained in paragraph 1 of plaintiff's complaint.
- 2. The defendants admit that Kohl's, Inc. is a foreign limited liability company registered to do business in the State of Rhode Island with a principal office of N56 W17000 Ridgewood Drive in Menomonee Falls, WI 53051, and a registered agent address of Corporate Creations Network, Inc., 10 Dorrance Street, Suite 700, Providence Rhode Island. The defendants deny the remainder of the allegations contained in paragraph 2 of the plaintiff's complaint.
- 3. The defendants admit that KIN, Inc. is a foreign limited liability company registered to do business in the State of Rhode Island with a principal office of N56 W17000 Ridgewood Drive in Menomonee Falls, WI 53051, and a registered agent address of Corporate Creations Network, Inc., 10 Dorrance Street, Suite 700, Providence Rhode Island. The defendants deny the remainder of the allegations contained in paragraph 3 of the plaintiff's complaint.
- 4. The defendants admit that Kohl's Illinois, Inc. is the former name of KIN, Inc., which is a foreign limited liability company registered to do business in the State of Rhode Island with a principal office of N56 W17000 Ridgewood Drive in Menomonee Falls, WI 53051, and a registered agent address of Corporate Creations Network, Inc., 10 Dorrance Street, Suite 700, Providence Rhode Island. The defendants deny the remainder of the allegations contained in paragraph 4 of the plaintiff's complaint.

Filed in Providence Bristol County Superior 40 July 111 DA Document 3 Filed 01/20/21 Page 76 of 120 PageID #: 111

Envelope: 2885662 Reviewer: Victoria H

5. The defendants admit that Kohl's Department Stores, Inc., is the former name of Kohl's, Inc., which is a foreign limited liability company registered to do business in the State of Rhode Island with a principal office of N56 W17000 Ridgewood Drive in Menomonee Falls, WI 53051, and a registered agent address of Corporate Creations Network, Inc., 10 Dorrance Street, Suite 700, Providence Rhode Island. The defendants deny the remainder of the allegations contained in paragraph 5 of the plaintiff's complaint.

- 6. The allegations contained in paragraph 6 plaintiff's complaint pertain to another defendant and no responsive averments are required. To the extent that said allegations pertain to the defendants KIN, Inc., Kohl's Department Stores, Inc., Kohl's Inc. and/or Kohls of Illinois (misnamed), the defendants deny said allegations.
- 7. The defendants deny the allegations contained in paragraph 7 of plaintiff's complaint.

COUNT I

- 8. The defendants deny the allegations contained in paragraph 8 of plaintiff's complaint.
- 9. The defendants deny the allegations contained in paragraph 9 of plaintiff's complaint.
- 10. The defendants deny the allegations contained in paragraph 10 of plaintiff's complaint.
- 11. The defendants deny the allegations contained in paragraph 11 of plaintiff's complaint.
- 12. The defendants deny the allegations contained in paragraph 12 of plaintiff's complaint.
- 13. The defendants deny the allegations contained in paragraph 13 of plaintiff's complaint.
- 14. The defendants deny the allegations contained in paragraph 14 of plaintiff's complaint.
- 15. The defendants deny the allegations contained in paragraph 15 of plaintiff's complaint.
- 16. The defendants deny the allegations contained in paragraph 16 of plaintiff's complaint.
- 17. The defendants deny the allegations contained in paragraph 17 of plaintiff's complaint.
- 18. The defendants deny the allegations contained in paragraph 18 of plaintiff's complaint.

WHEREFORE, the defendants request that the plaintiff's complaint be dismissed with costs to defendants.

COUNT II

- 19. The defendants repeat and reassert their answers to Paragraphs 1 through 18 of the plaintiff's complaint.
- 20. The defendants deny the allegations contained in paragraph 18 of plaintiff's complaint.

Filed in Providence/Bristol-County-Superion 404-5JM-LDA Document 3 Filed 01/20/21 Page 77 of 120 PageID #: 112 Submitted: 12/21/2020 8:13:AM

Envelope: 2885662 Reviewer: Victoria H

- 21. The defendants deny the allegations contained in paragraph 21 of plaintiff's complaint.
- 22. The defendants deny the allegations contained in paragraph 22 of plaintiff's complaint.
- 23. The defendants deny the allegations contained in paragraph 23 of plaintiff's complaint.

WHEREFORE, the defendants request that the plaintiff's complaint be dismissed with costs to defendants.

COUNT III

- 24. The defendants repeat and reassert their answers to Paragraphs 1 through 23 of the plaintiff's complaint.
- 25. The defendants deny the allegations contained in paragraph 25 of plaintiff's complaint.
- 26. The defendants deny the allegations contained in paragraph 26 of plaintiff's complaint.
- 27. The defendants deny the allegations contained in paragraph 27 of plaintiff's complaint.
- 28. The defendants deny the allegations contained in paragraph 28 of plaintiff's complaint.

WHEREFORE, the defendants request that the plaintiff's complaint be dismissed with costs to defendants.

COUNT IV

- 29. The defendants repeat and reassert their answers to Paragraphs 1 through 28 of the plaintiff's complaint.
- 30. The defendants deny the allegations contained in paragraph 30 of plaintiff's complaint.
- 31. The defendants deny the allegations contained in paragraph 31 of plaintiff's complaint.
- 32. The defendants deny the allegations contained in paragraph 32 of plaintiff's complaint.
- 33. The defendants deny the allegations contained in paragraph 33 of plaintiff's complaint.
- 34. The defendants deny the allegations contained in paragraph 34 of plaintiff's complaint.
- 35. The defendants deny the allegations contained in paragraph 35 of plaintiff's complaint.
- 36. The defendants deny the allegations contained in paragraph 36 of plaintiff's complaint.
- 37. The defendants deny the allegations contained in paragraph 37 of plaintiff's complaint.

Filed in Providence/Bristol County Superior 40 JJM-LDA Document 3 Filed 01/20/21 Page 78 of 120 PageID #: 113

Envelope: 2885662 Reviewer: Victoria H

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38. The defendants deny the allegations contained in paragraph 38 of plaintiff's complaint.

WHEREFORE, the defendants request that the plaintiff's complaint be dismissed with costs to defendants.

COUNT V

- 39. The defendants repeat and reassert their answers to Paragraphs 1 through 38 of the plaintiff's complaint.
- 40. The defendants deny the allegations contained in paragraph 40 of plaintiff's complaint.
- 41. The defendants deny the allegations contained in paragraph 41 of plaintiff's complaint.
- 42. The defendants deny the allegations contained in paragraph 42 of plaintiff's complaint.
- 43. The defendants deny the allegations contained in paragraph 43 of plaintiff's complaint.
- 44. The defendants deny the allegations contained in paragraph 44 of plaintiff's complaint.

WHEREFORE, the defendants request that the plaintiff's complaint be dismissed with costs to defendants.

COUNT VI

- 45. The defendants repeat and reassert their answers to Paragraphs 1 through 44 of the plaintiff's complaint.
- 46. The defendants deny the allegations contained in paragraph 46 of plaintiff's complaint.
- 47. The defendants deny the allegations contained in paragraph 47 of plaintiff's complaint.
- 48. The defendants deny the allegations contained in paragraph 48 of plaintiff's complaint.
- 49. The defendants deny the allegations contained in paragraph 49 of plaintiff's complaint.
- 50. The defendants deny the allegations contained in paragraph 50 of plaintiff's complaint.
- 51. The defendants deny the allegations contained in paragraph 51 of plaintiff's complaint.
- 52. The defendants deny the allegations contained in paragraph 52 of plaintiff's complaint.

WHEREFORE, the defendants request that the plaintiff's complaint be dismissed with costs to defendants.

Filed in Providence/Bristol County Superior Courty Superior Courty Superior Courty Superior County Superior Courty Superior Co

Envelope: 2885662 Reviewer: Victoria H

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COUNT VII

- 53. The defendants repeat and reassert their answers to Paragraphs 1 through 52 of the plaintiff's complaint.
- 54. The defendants deny the allegations contained in paragraph 54 of plaintiff's complaint.
- 55. The defendants deny the allegations contained in paragraph 55 of plaintiff's complaint.
- 56. The defendants deny the allegations contained in paragraph 56 of plaintiff's complaint.
- 57. The defendants deny the allegations contained in paragraph 57 of plaintiff's complaint.
- 58. The defendants deny the allegations contained in paragraph 58 of plaintiff's complaint.
- 59. The defendants deny the allegations contained in paragraph 59 of plaintiff's complaint.
- 60. The defendants deny the allegations contained in paragraph 60 of plaintiff's complaint.
- 61. The defendants deny the allegations contained in paragraph 61 of plaintiff's complaint.
- 62. The defendants deny the allegations contained in paragraph 62 of plaintiff's complaint.
- 63. The defendants deny the allegations contained in paragraph 63 of plaintiff's complaint.
- 64. The defendants deny the allegations contained in paragraph 64 of plaintiff's complaint.
- 65. The defendants deny the allegations contained in paragraph 65 of plaintiff's complaint.

WHEREFORE, the defendants request that the plaintiff's complaint be dismissed with costs to defendants.

AFFIRMATIVE DEFENSES

FIRST DEFENSE

The plaintiff's complaint fails to state a claim upon which relief may be granted against the defendants.

SECOND DEFENSE

Plaintiff assumed the risk of her alleged injuries.

THIRD DEFENSE

If the plaintiff was injured as alleged, which is denied, the same was due to her own lack of due care under the circumstances.

Filed in Providence/Bristol County Superior 40 15 JM-LDA Document 3 Filed 01/20/21 Page 80 of 120 PageID #: 115 Submitted: 12/21/2020 8:13 AM

Envelope: 2885662 Reviewer: Victoria H

FOURTH DEFENSE

If the plaintiff was injured as alleged, which is denied, the same was due to the acts or omissions of others for whom the defendants are not responsible.

FIFTH DEFENSE

The defendants state that the Plaintiff was guilty of negligence and that the damages, if any, recovered by the plaintiff should be reduced in proportion to said negligence of the plaintiff.

SIXTH DEFENSE

The defendants were not negligent.

SEVENTH DEFENSE

The plaintiff's complaint should be dismissed for insufficient of process and/or insufficiency of service of process.

EIGHTH DEFENSE

The defendants state that the action is barred by the applicable statute of limitations.

NINTH DEFENSE

The defendants state that venue is improper.

TENTH DEFENSE

The defendants reserve the right to supplement the affirmative defenses pled herein.

WHEREFORE, the Defendants pray that this Court:

- a. Enter judgment for the Defendants dismissing all claims;
- b. Award the Defendants costs, expenses and attorneys' fees; and
- c. Grant such further relief as the Court may deem just.

Filed in Providence/Bristol County Superior 40-5 JM-LDA Document 3 Filed 01/20/21 Page 81 of 120 PageID #: 116 Submitted: 12/21/2020 8:13 AM

Envelope: 2885662

Reviewer: Victoria H

The Defendants,

KIN, Inc, Kohl's Department Stores, Inc., Kohl's Inc., and Kohls of Illinois (misnamed),

By Their Attorneys,

MORRISON MAHONEY LLP

Is Amy B. Warbro

Amy B. Yarbro (Parker), #8999 ayarbro@morrisonmahoney.com 250 Summer Street Boston, MA 02210-1181

Phone: 617-439-7500 Fax: 617-342-4887

CERTIFICATION

I hereby certify that this document filed through the Odyssey File & Serve System will be sent electronically to the registered participants as identified on the Case Service Contacts List and/or paper copies will be sent to those, postage pre-paid, indicated as non-registered participants or participants as listed below this 21st day of December, 2020.

Wayne G. Resmini, Esq. Resmini Law LLC 1022 Reservoir Avenue Cranston, RI 02910

Is Amy B. Warbro

Filed in Providence/Bristol-County Superior 40-5 JM-LDA Document 3 Filed 01/20/21 Page 82 of 120 PageID #: 117 Submitted: 12/11/2020 9:06 AM

Envelope: 2873208 Reviewer: Victoria H

STATE OF RHODE ISLAND PROVIDENCE, SC

SUPERIOR COURT

BARBARA RICCI,

Plaintiff

C.A. NO. PC-2020-06487

v.

KIN, INC, alias KOHL'S DEPARTMENT STORES, INC., alias, KOHL'S INC., alias, KOHL'S INC., alias, KOHLS OF ILLINOIS, alias, & DOE 1 THRU 4, INCLUSIVE,

Defendants

ENTRY OF APPEARANCE

NOW COMES Amy B. Yarbro of the law firm Morrison Mahoney LLP and hereby enters her appearance on behalf of the Defendants, Kin, Inc., Kohl's Department Stores, Inc., Kohl's Inc., Kohls of Illinois (misnamed), in the above-captioned matter.

Filed in Providence/Bristol-County Superion 404-5JM-LDA Document 3 Filed 01/20/21 Page 83 of 120 PageID #: 118 Submitted: 12/11/2020 9:06 AM

Envelope: 2873208 Reviewer: Victoria H

The Defendants,

By Their Attorneys,

MORRISON MAHONEY LLP

Is Amy B. Warbro

Amy B. Yarbro (Parker), #8999 ayarbro@morrisonmahoney.com 250 Summer Street Boston, MA 02210-1181

Phone: 617-439-7500 Fax: 617-342-4887

CERTIFICATION

I hereby certify that this document filed through the Odyssey File & Serve System will be sent electronically to the registered participants as identified on the Case Service Contacts List and/or paper copies will be sent to those, postage pre-paid, indicated as non-registered participants or participants as listed below this 11th day of December, 2020.

Wayne G. Resmini, Esq. Resmini Law LLC 1022 Reservoir Avenue Cranston, RI 02910

Is Amy B. Warbro

Filed in Providence/Bristol-County-Superion 40 JUN-LDA Document 3 Filed 01/20/21 Page 84 of 120 PageID #: 119

Envelope: 2809299 Reviewer: Victoria H

STATE OF RHODE ISLAND AND



Honor PROVIDENCE PLANTATIONS

SUPERIOR COURT

SUMMONS

	Civil Action File Number PC-2020-06487
Plaintiff	Attorney for the Plaintiff or the Plaintiff
Barbara Ricci	Wayne Resmini
v.	Address of the Plaintiff's Attorney or the Plaintiff
Kohl's, Inc. et al.	1022 RESERVOIR AVENUE
Defendant	CRANSTON RI 02910
Licht Judicial Complex	Address of the Defendant
Providence/Bristol County	c/o AFS Corporate Creations Network Inc
250 Benefit Street	10 Dorrance Street Suite 700
Providence RI 02903	Providence RI 02903
(401) 222-3250	

TO THE DEFENDANT, Kohl's Department Stores, Inc.:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 9/16/2020.	/s/ Henry Kinch	
	Clerk	

Witness the seal/watermark of the Superior Court

Filed in Providence/Bristol-County-Superior Gourty-Superior Results | Filed 01/20/21 | Page 85 of 120 PageID #: 120 Submitted: 10/27/2020 9:59 AM

Envelope: 2809299 Reviewer: Victoria H

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O Honor PROVIDENCE PLANTATIONS

SUPERIOR COURT

Plaintiff Dedom Picci	Civil Action File Number
Barbara Ricci	PC-2020-06487
V. Kohl's, Inc. et al.	
Defendant	
ACCOUNT OF THE PROPERTY OF THE	
PROOF OF SERVIC	CE
I hereby certify that on the date below I served a copy of this	s Summons, complaint, Language Assistance
Notice, and all other required documents received herewith upon t	he Defendant, Kohl's Department Stores, Inc.,
by delivering or leaving said papers in the following manner:	
With the Defendant personally	
☐ With the Defendant personally.	# 455 VEED TO 1
☐ At the Defendant's dwelling house or usual place of abode	with a person of suitable age and discretion
then residing therein.	
Name of person of suitable age and discretion	
Address of dwelling house or usual place of abode	at the built of the second second
Age	PY809/A909/
Relationship to the Defendant	
☐ With an agent authorized by appointment or by law to receiv	re service of process.
Name of authorized agent	
If the agent is one designated by statute to receive service, f	urther notice as required by statute was given
as noted below.	
	Contraction of the Contraction o
☐ With a guardian or conservator of the Defendant.	
Name of person and designation	
Tume of person and designation	
☐ By delivering said papers to the attorney general or an assista	ant attorney general if serving the state.
☐ Upon a public corporation, body, or authority by delivering s	said papers to any officer, director, or
manager.	
Name of person and designation	

Page 1 of 2

Filed in Providence/Bristol-County-Superior 40-1JM-LDA Document 3 Filed 01/20/21 Page 86 of 120 PageID #: 121 Submitted: 10/27/2020 9:59 AM Envelope: 2809299

Reviewer: Victoria H



O HONOR PROVIDENCE PLANTATIONS

SUPERIOR COURT

Upon a private corporation, domestic or foreign:
☐ By delivering said papers to an officer or a managing or general agent.
Name of person and designation
☐ By leaving said papers at the office of the corporation with a person employed therein.
Name of person and designation
By delivering said papers to an agent authorized by appointment or by law to receive service of process.
Name of authorized agent Corporate Creations Network, I
If the agent is one designated by statute to receive service, further notice as required by statute was given
as noted below.
☐ I was unable to make service after the following reasonable attempts:
1100
SERVICE DATE: 19/2020 SERVICE FEE \$
Month Day Year 343/M SERVICE FEES YOU
lignature of SHERIFF or DEPUTY SHERIFF or CONSTABLE
IGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE
IOTARIZED.
Signature HAROLD W. OUIMETTE
R.I. CONSTABLE #6129
tate of
County of
On this day of, 20, before me, the undersigned notary public, personally
ppeared personally known to the notary
r D proved to the notary through satisfactory evidence of identification, which was
, to be the person who signed above in my presence
nd who swore or affirmed to the notary that the contents of the document are truthful to the best of his or he
nowledge.
Notary Public:
My commission expires:
Notary identification number:
rodary identification number.

Page 2 of 2

Rebus Des Departum

Filed in Providence/Bristol-County-Superion 4011JM-LDA Document 3 Filed 01/20/21 Page 87 of 120 PageID #: 122 Submitted: 10/27/2020 9:59 AM

Envelope: 2809299 Reviewer: Victoria H

STATE OF RHODE ISLAND AND



HONOR PROVIDENCE PLANTATIONS

SUPERIOR COURT

SUMMONS

	Civil Action File Number PC-2020-06487
Plaintiff	Attorney for the Plaintiff or the Plaintiff
Barbara Ricci	Wayne Resmini
v.	Address of the Plaintiff's Attorney or the Plaintiff
Kohl's, Inc. et al.	1022 RESERVOIR AVENUE
Defendant	CRANSTON RI 02910
Licht Judicial Complex	Address of the Defendant
Providence/Bristol County	c/o AFS Corporate Creations Network Inc
250 Benefit Street	10 Dorrance Street Suite 700
Providence RI 02903	Providence RI 02903
(401) 222-3250	

TO THE DEFENDANT, Kohl's of Illinois, Inc.:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 9/16/2020.	/s/ Henry Kinch	
59	Clerk	

Witness the seal/watermark of the Superior Court

SC-CMS-1 (revised July 2014)

Filed in Providence/Bristol County Superior 40 I JM-LDA Document 3 Filed 01/20/21 Page 88 of 120 PageID #: 123 Submitted: 10/27/2020 9:59 AM Envelope: 2809299

Reviewer: Victoria H



PROVIDENCE PLANTATIONS

SUPERIOR COURT

Barbara Ricci	Civil Action File Number PC-2020-06487
v. Kohl's, Inc. et al.	
Defendant	
PROOF OF SERVICE	
PROOF OF SERVICE	
I hereby certify that on the date below I served a copy of this Su Notice, and all other required documents received herewith upon the delivering or leaving said papers in the following manner:	
☐ With the Defendant personally.	
☐ At the Defendant's dwelling house or usual place of abode wi	th a person of suitable age and discretion
then residing therein.	
Name of person of suitable age and discretion	
Address of dwelling house or usual place of abode	
Age	A management of the control of the c
Relationship to the Defendant	
☐ With an agent authorized by appointment or by law to receive se Name of authorized agent	ervice of process.
If the agent is one designated by statute to receive service, furth as noted below.	er notice as required by statute was given
☐ With a guardian or conservator of the Defendant. Name of person and designation	
☐ By delivering said papers to the attorney general or an assistant a	attorney general if serving the state.
☐ Upon a public corporation, body, or authority by delivering said manager.	
Name of person and designation	

Page 1 of 2

SC-CMS-1 (revised July 2014)

Filed in Providence/Bristol-County-Superior 40-1JM-LDA Document 3 Filed 01/20/21 Page 89 of 120 PageID #: 124 Submitted: 10/27/2020 9:59 AM Envelope: 2809299

Reviewer: Victoria H



O HOROR PROVIDENCE PLANTATIONS

SUPERIOR COURT

Upon a private corporation, domestic or foreign:
☐ By delivering said papers to an officer or a managing or general agent.
Name of person and designation
☐ By leaving said papers at the office of the corporation with a person employed therein.
Name of person and designation
By delivering said papers to an agent authorized by appointment or by law to receive service of process.
Name of authorized agent Corporate Crufas Network Inc
Name of authorized agent Corporate Creeks Wetwork Inc. If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.
☐ I was unable to make service after the following reasonable attempts:
SERVICE DATE: 10/19/2010 21/24 SERVICE FEE \$
Month Day Year S 9 SPA
Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE
SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE
NOTARIZED.
Signature
HAROLD W. OUIMETTE
State of R.I. CONSTABLE #6129
County of
On this day of, 20, before me, the undersigned notary public, personally
appeared personally known to the notary
or \square proved to the notary through satisfactory evidence of identification, which was
, to be the person who signed above in my presence,
and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her
knowledge.
Notary Public:
My commission expires:
Notary identification number:
Trotally Idonomication number.

Page 2 of 2

SC-CMS-1 (revised July 2014)

Page 89 Polous Desi Dopart CM

Filed in Providence/Bristol-County-Superion 40 JJM-LDA Document 3 Filed 01/20/21 Page 90 of 120 PageID #: 125

Envelope: 2809299 Reviewer: Victoria H

STATE OF RHODE ISLAND AND



HONOR PROVIDENCE PLANTATIONS

SUPERIOR COURT

SUMMONS

	Civil Action File Number PC-2020-06487
Plaintiff	Attorney for the Plaintiff or the Plaintiff
Barbara Ricci	Wayne Resmini
v.	Address of the Plaintiff's Attorney or the Plaintiff
Kohl's, Inc. et al.	1022 RESERVOIR AVENUE
Defendant	CRANSTON RI 02910
Licht Judicial Complex	Address of the Defendant
Providence/Bristol County	c/o AFS Corporate Creations Network Inc
250 Benefit Street	10 Dorrance Street Suite 700
Providence RI 02903	Providence RI 02903
(401) 222-3250	

TO THE DEFENDANT, Kin, Inc.:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 9/16/2020.	/s/ Henry Kinch	
	Clerk	

Witness the seal/watermark of the Superior Court

Filed in Providence/Bristol-County-Superior 40-1JM-LDA Document 3 Filed 01/20/21 Page 91 of 120 PageID #: 126 Submitted: 10/27/2020 9:59 AM Envelope: 2809299

Reviewer: Victoria H



SUPERIOR COURT

Plaintiff Barbara Ricci	Civil Action File Number PC-2020-06487
V.	
Kohl's, Inc. et al.	
Defendant	
**	
PROOF OF SERV	VICE
I hereby certify that on the date below I served a copy of Notice, and all other required documents received herewith a leaving said papers in the following manner:	
☐ With the Defendant personally.	
☐ At the Defendant's dwelling house or usual place of abother residing therein.	ode with a person of suitable age and discretion
Name of person of suitable age and discretion	
Address of dwelling house or usual place of abode	and the second of the second of the second
Age	
Relationship to the Defendant	
☐ With an agent authorized by appointment or by law to rec Name of authorized agent	eeive service of process.
If the agent is one designated by statute to receive service as noted below.	e, further notice as required by statute was given
☐ With a guardian or conservator of the Defendant. Name of person and designation	
☐ By delivering said papers to the attorney general or an ass	sistant attorney general if serving the state.
☐ Upon a public corporation, body, or authority by delivering manager.	
Name of person and designation	

Page 1 of 2

SC-CMS-1 (revised July 2014)

Filed in Providence/Bristol County Surgious GUI JM-LDA Document 3 Filed 01/20/21 Page 92 of 120 PageID #: 127 Submitted: 10/27/2020 9:59 AM

Envelope: 2809299 Reviewer: Victoria H





dence Honor PROVIDENCE PLANTATIONS

SUPERIOR COURT

Upon a private corporation, domestic or foreign:	
☐ By delivering said papers to an officer or a managing or general agent.	
Name of person and designation	
☐ By leaving said papers at the office of the corporation with a person employed therein.	
Name of person and designation	
By delivering said papers to an agent authorized by appointment or by law to receive service of process.	
Name of authorized agent Cofforak Crations Liberth Inc. If the agent is one designated by statute to receive service, further notice as required by statute was given	
as noted below.	
□ Luvas unable to make comice of on the fellowing recovered. He started	
☐ I was unable to make service after the following reasonable attempts:	
. 55	
SERVICE DATE: 10/19/2020 SERVICE FEE \$ 45	
Month Day Year 343 ph	
Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE	
SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE	
NOTARIZED.	
Signature HAROLD W. OUIMETTE	
State of R.I. CONSTABLE #6129	
Sc #437	
On this day of, 20, before me, the undersigned notary public, personally	
appeared personally known to the notary	
or proved to the notary through satisfactory evidence of identification, which was	
, to be the person who signed above in my presence,	
and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her	
knowledge.	
Notary Public:	
My commission expires:	
Notary identification number:	

Page 2 of 2

SC-CMS-1 (revised July 2014)

Repus De, Doput cm

Filed in Providence/Bristol-County-Superion 40 JJM-LDA Document 3 Filed 01/20/21 Page 93 of 120 PageID #: 128 Submitted: 10/27/2020 9:59 AM

Envelope: 2809299 Reviewer: Victoria H

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

SUMMONS

Plaintiff	Civil Action File Number PC-2020-06487
Barbara Ricci	Attorney for the Plaintiff or the Plaintiff Wayne Resmini
v. Kohl's, Inc. et al. Defendant	Address of the Plaintiff's Attorney or the Plaintiff 1022 RESERVOIR AVENUE CRANSTON RI 02910
Licht Judicial Complex	Address of the Defendant
Providence/Bristol County	c/o AFS Corporate Creations Network Inc
250 Benefit Street	10 Dorrance Street
Providence RI 02903 (401) 222-3250	Providence RI 02903

TO THE DEFENDANT, Kohl's, Inc.:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 9/16/2020.	/s/ Henry Kinch	
0	Clerk	

Witness the seal/watermark of the Superior Court

Filed in Providence (Bristol-County-Superior 40)-1JM-LDA Document 3 Filed 01/20/21 Page 94 of 120 PageID #: 129 Submitted: 10/27/2020 9:59 AM Envelope: 2809299

Reviewer: Victoria H

STATE OF RHODE ISLAND AND Justice O Ind



PROVIDENCE PLANTATIONS

SUPERIOR COURT

Plaintiff Barbara Ricci	Civil Action File Number PC-2020-06487
v. Kohl's, Inc. et al.	
Defendant	
ND COL OF OF OFFICE	
PROOF OF SERVICE	C
I hereby certify that on the date below I served a copy of this Notice, and all other required documents received herewith upon leaving said papers in the following manner:	
☐ With the Defendant personally.	9 \ \
☐ At the Defendant's dwelling house or usual place of abode	with a person of suitable age and discretion
then residing therein.	
Name of person of suitable age and discretion	
Address of dwelling house or usual place of abode	19 (19 Auditoria de la Novalina Auditoria de la Colonia de
Age	market Allender F
Relationship to the Defendant	
☐ With an agent authorized by appointment or by law to receive Name of authorized agent	e service of process.
If the agent is one designated by statute to receive service, fu as noted below.	rther notice as required by statute was given
☐ With a guardian or conservator of the Defendant. Name of person and designation	
☐ By delivering said papers to the attorney general or an assistant	nt attorney general if serving the state.
☐ Upon a public corporation, body, or authority by delivering samanager.	aid papers to any officer, director, or
Name of person and designation	

Page 1 of 2

SC-CMS-1 (revised July 2014)

Filed in Providence Bristol County Superior Gourty Superior For LDA Document 3 Filed 01/20/21 Page 95 of 120 PageID #: 130 Submitted: 10/27/2020 9:59 AM

Envelope: 2809299 Reviewer: Victoria H



PROVIDENCE PLANTATIONS

SUPERIOR COURT

Upon a private corporation, domestic or foreign:
☐ By delivering said papers to an officer or a managing or general agent.
Name of person and designation
☐ By leaving said papers at the office of the corporation with a person employed therein.
Name of person and designation
By delivering said papers to an agent authorized by appointment or by law to receive service of process.
Name of authorized agent Cofforte Creations Network Inc
If the agent is one designated by statute to receive service, further notice as required by statute was given
as noted below.
☐ I was unable to make service after the following reasonable attempts:
112 16 202
SERVICE DATE: 91200 SERVICE FEE \$ 90
Month Day Year >93/14
Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE
MILLION CON THE RESIDENCE OF THE CONTRACT OF T
SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE
NOTARIZED.
Signature HAROLD W. C. W. C. W.
State of HAROLD W. OUIMETTE
County of
S C * 137
On this day of, 20, before me, the undersigned notary public, personally
appeared personally known to the notary
or proved to the notary through satisfactory evidence of identification, which was
, to be the person who signed above in my presence,
and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her
knowledge.
Notary Public:
My commission expires:
Notary identification number:
•

Page 2 of 2

SC-CMS-1 (revised July 2014)

SUMMONS

	Civil Action File Number PC-2020-06487
Plaintiff	Attorney for the Plaintiff or the Plaintiff
Barbara Ricci	Wayne Resmini
V.	Address of the Plaintiff's Attorney or the Plaintiff
Kohl's, Inc. et al.	1022 RESERVOIR AVENUE
Defendant	CRANSTON RI 02910
- A (1) (1) (1)	
Licht Judicial Complex	Address of the Defendant
Providence/Bristol County	c/o AFS Corporate Creations Network Inc
250 Benefit Street	10 Dorrance Street Suite 700
Providence RI 02903	Providence RI 02903
(401) 222-3250	

TO THE DEFENDANT, Kohl's Department Stores, Inc.:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 9/16/2020.	/s/ Henry Kinch
	Clerk

Witness the seal/watermark of the Superior Court

Civil Action File Number

Barbara Ricci	PC-2020-0648/
V.	
Kohl's, Inc. et al.	
Defendant	
PROOF OF SERVI	CF
TROOF OF SERVI	CE
I hereby certify that on the date below I served a copy of th	is Summons, complaint, Language Assistance
Notice, and all other required documents received herewith upon	A CONTRACTOR OF THE PROPERTY O
by delivering or leaving said papers in the following manner:	The second second
☐ With the Defendant personally.	
☐ At the Defendant's dwelling house or usual place of abod	le with a person of suitable age and discretion
then residing therein.	with a person of suitable age and discretion
Name of person of suitable age and discretion	All and the last the
Address of dwelling house or usual place of abode	· 기호(이 선] · 무 기원보(0)1(0)의
Address of dwelling house of usual place of abode	and the latter of the latter o
Age	
Relationship to the Defendant	
	7.337/
☐ With an agent authorized by appointment or by law to recei	ve service of process.
Name of authorized agent	
If the agent is one designated by statute to receive service,	further notice as required by statute was given
as noted below.	
☐ With a guardian or conservator of the Defendant.	
Name of person and designation	
Name of person and designation	
☐ By delivering said papers to the attorney general or an assis	stant attorney general if serving the state.
☐ Upon a public corporation, body, or authority by delivering	said papers to any officer, director, or
manager.	
Name of person and designation	

Page 1 of 2

Plaintiff



Upon a private corporation, domestic or fore	eign:
☐ By delivering said papers to an officer o	r a managing or general agent.
Name of person and designation	
☐ By leaving said papers at the office of the	ne corporation with a person employed therein.
Name of person and designation	
☐ By delivering said papers to an agent au	thorized by appointment or by law to receive service of process.
Name of authorized agent	
If the agent is one designated by statute	to receive service, further notice as required by statute was given
as noted below.	
☐ I was unable to make service after the fol	lowing reasonable attempts:
11 9/2-	
SERVICE DATE://	SERVICE FEE \$
Month Day Year	
Signature of SHERIFF or DEPUTY SHERIFF	or CONSTABLE
SIGNATURE OF PERSON OTHER THAN A	SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE
NOTARIZED.	
The state of the s	
Signature	
State of	
County of	
On this day of	, 20, before me, the undersigned notary public, personally
appeared	personally known to the notary
or \square proved to the notary through	to be the person who signed above in my presence,
and who swore or affirmed to the notary that t	he contents of the document are truthful to the best of his or her
knowledge.	the contents of the document are tradition to the best of his of her
knowledge.	Notary Public
	Notary Public:
	Notary identification number:
	1 10 tai y 1 a c ii ii i i a ii i i i i i i i i i i

Page 2 of 2

SUMMONS

	Civil Action File Number PC-2020-06487
Plaintiff	Attorney for the Plaintiff or the Plaintiff
Barbara Ricci	Wayne Resmini
V.	Address of the Plaintiff's Attorney or the Plaintiff
Kohl's, Inc. et al.	1022 RESERVOIR AVENUE
Defendant	CRANSTON RI 02910
Licht Judicial Complex	Address of the Defendant
Providence/Bristol County	c/o AFS Corporate Creations Network Inc
250 Benefit Street	10 Dorrance Street Suite 700
Providence RI 02903	Providence RI 02903
(401) 222-3250	

TO THE DEFENDANT, Kohl's of Illinois, Inc.:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 9/16/2020.	/s/ Henry Kinch
	Clerk

Witness the seal/watermark of the Superior Court

Civil Action File Number

Barbara Ricci	PC-2020-06487
V.	
Kohl's, Inc. et al.	
Defendant	
PROOF OF SERVI	CE
I hereby certify that on the date below I served a copy of th	
Notice, and all other required documents received herewith up	on the Defendant, Kohl's of Illinois, Inc., by
delivering or leaving said papers in the following manner:	
FINAL A D.C. 1	=0 /
☐ With the Defendant personally.	
☐ At the Defendant's dwelling house or usual place of abod	le with a person of suitable age and discretion
then residing therein.	I I I I I I I I I I I I I I I I I I I
Name of person of suitable age and discretion	All the second
Address of dwelling house or usual place of abode	데 1 (예상) (# 기 (#(0)1(0) 1
radiess of dwelling house of usual place of abode	All III Control of the Control of th
Age	
Relationship to the Defendant	2 1 1 / 2 2 3 / .
Relationship to the Defendant	
☐ With an agent authorized by appointment or by law to recei	ve service of process.
Name of authorized agent	
If the agent is one designated by statute to receive service,	further notice as required by statute was given
as noted below.	
☐ With a guardian or conservator of the Defendant.	

Page 1 of 2

☐ By delivering said papers to the attorney general or an assistant attorney general if serving the state.

☐ Upon a public corporation, body, or authority by delivering said papers to any officer, director, or

manager.

Name of person and designation

Name of person and designation

Plaintiff



□ By delivering said papers to an officer or a managing or general agent. Name of person and designation □ By leaving said papers at the office of the corporation with a person employed therein. Name of person and designation □ By delivering said papers to an agent authorized by appointment or by law to receive service of process. Name of authorized agent □ If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below. □ I was unable to make service after the following reasonable attempts: □ SERVICE DATE: / / SERVICE FEE \$ ───────────────────────────────────
□ By leaving said papers at the office of the corporation with a person employed therein. Name of person and designation □ By delivering said papers to an agent authorized by appointment or by law to receive service of process. Name of authorized agent If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below. □ I was unable to make service after the following reasonable attempts: □ SERVICE DATE: Month Day Year Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.
Name of person and designation By delivering said papers to an agent authorized by appointment or by law to receive service of process. Name of authorized agent If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below. I was unable to make service after the following reasonable attempts: SERVICE DATE: Month Day Year Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.
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Name of authorized agent If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below. I was unable to make service after the following reasonable attempts: SERVICE DATE: Month Day Year Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.
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as noted below. I was unable to make service after the following reasonable attempts: SERVICE DATE: /_ /_ SERVICE FEE \$ Month Day Year Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.
□ I was unable to make service after the following reasonable attempts: SERVICE DATE:/ SERVICE FEE \$ Month Day Year Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.
SERVICE DATE:/ SERVICE FEE \$ Month Day Year Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.
SERVICE DATE:/ SERVICE FEE \$ Month Day Year Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.
SERVICE DATE:// SERVICE FEE \$ Month Day Year Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.
Month Day Year Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.
Month Day Year Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.
Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.
SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.
NOTARIZED.
NOTARIZED.
Signature
Signature
1 October 10 Tolerand 10 Toler
State of
State of
County of
On this day of, 20, before me, the undersigned notary public, personally
appeared \(\square \) personally known to the notary
or \square proved to the notary through satisfactory evidence of identification, which was
, to be the person who signed above in my presence,
and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her
knowledge.
Notary Public:
My commission expires:
Notary identification number:

Page 2 of 2

SUMMONS

	Civil Action File Number
	PC-2020-06487
Plaintiff	Attorney for the Plaintiff or the Plaintiff
Barbara Ricci	Wayne Resmini
V.	Address of the Plaintiff's Attorney or the Plaintiff
Kohl's, Inc. et al.	1022 RESERVOIR AVENUE
Defendant	CRANSTON RI 02910
Licht Judicial Complex	Address of the Defendant
Providence/Bristol County	c/o AFS Corporate Creations Network Inc
250 Benefit Street	10 Dorrance Street Suite 700
Providence RI 02903	Providence RI 02903
(401) 222-3250	

TO THE DEFENDANT, Kin, Inc.:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 9/16/2020.	/s/ Henry Kinch
	Clerk

Witness the seal/watermark of the Superior Court

Civil Action File Number

Barbara Ricci	PC-2020-0648/
v. Kohl's, Inc. et al. Defendant	
PROOF OF SERVICE	
I hereby certify that on the date below I served a copy of this Sun Notice, and all other required documents received herewith upon the leaving said papers in the following manner: □ With the Defendant personally.	
☐ At the Defendant's dwelling house or usual place of abode with then residing therein.	a person of suitable age and discretion
Name of person of suitable age and discretionAddress of dwelling house or usual place of abode	ce Cal Lioner
AgeRelationship to the Defendant	
☐ With an agent authorized by appointment or by law to receive service. Name of authorized agent	vice of process.
If the agent is one designated by statute to receive service, furthe as noted below.	r notice as required by statute was given
☐ With a guardian or conservator of the Defendant. Name of person and designation	
☐ By delivering said papers to the attorney general or an assistant at	torney general if serving the state.
☐ Upon a public corporation, body, or authority by delivering said p manager.	
Name of person and designation	

Page 1 of 2

Plaintiff



Upon a private corporation, domestic or fore	rign:
☐ By delivering said papers to an officer o	r a managing or general agent.
Name of person and designation	
☐ By leaving said papers at the office of the	e corporation with a person employed therein.
Name of person and designation	
☐ By delivering said papers to an agent au	thorized by appointment or by law to receive service of process.
Name of authorized agent	
If the agent is one designated by statute t	to receive service, further notice as required by statute was given
as noted below.	
☐ I was unable to make service after the fol	lowing reasonable attempts:
14 372-	
SERVICE DATE: / /	SERVICE FEE \$
Month Day Year	
Signature of SHERIFF or DEPUTY SHERIFF	or CONSTABLE
THE STREET	ROTE : [B [G] : [G
	SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE
NOTARIZED.	
Signature	
State of	
State of	
County of	
On this day of	, 20, before me, the undersigned notary public, personally
appeared	personally known to the notary
	n satisfactory evidence of identification, which was
The second secon	, to be the person who signed above in my presence,
and who swore or affirmed to the notary that t	he contents of the document are truthful to the best of his or her
knowledge.	
	Notary Public:
	Notary Public:
	Notary identification number:

Page 2 of 2

SUMMONS

	Civil Action File Number PC-2020-06487
Plaintiff	Attorney for the Plaintiff or the Plaintiff
Barbara Ricci	Wayne Resmini
V.	Address of the Plaintiff's Attorney or the Plaintiff
Kohl's, Inc. et al.	1022 RESERVOIR AVENUE
Defendant	CRANSTON RI 02910
Licht Judicial Complex	Address of the Defendant
Providence/Bristol County	c/o AFS Corporate Creations Network Inc
250 Benefit Street	10 Dorrance Street
Providence RI 02903	Providence RI 02903
(401) 222-3250	

TO THE DEFENDANT, Kohl's, Inc.:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 9/16/2020.	/s/ Henry Kinch
	Clerk

Witness the seal/watermark of the Superior Court

Civil Action File Number

Barbara Ricci	PC-2020-06487
V.	
Kohl's, Inc. et al. Defendant	
Defendant	
PROOF OF SERVICE	CE
I hereby certify that on the date below I served a copy of this Notice, and all other required documents received herewith upor leaving said papers in the following manner:	
☐ With the Defendant personally.	-9 \
☐ At the Defendant's dwelling house or usual place of abode then residing therein.	e with a person of suitable age and discretion
Name of person of suitable age and discretionAddress of dwelling house or usual place of abode	arce Ollelonor
AgeRelationship to the Defendant	
☐ With an agent authorized by appointment or by law to receive Name of authorized agent	ve service of process.
If the agent is one designated by statute to receive service, as noted below.	further notice as required by statute was given
☐ With a guardian or conservator of the Defendant. Name of person and designation	
☐ By delivering said papers to the attorney general or an assist	tant attorney general if serving the state.
☐ Upon a public corporation, body, or authority by delivering manager. Name of person and designation	said papers to any officer, director, or

Page 1 of 2

Plaintiff



□ By delivering said papers to an officer or a managing or general agent. Name of person and designation
□ By leaving said papers at the office of the corporation with a person employed therein. Name of person and designation □ By delivering said papers to an agent authorized by appointment or by law to receive service of process. Name of authorized agent If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below. □ I was unable to make service after the following reasonable attempts: □ SERVICE DATE: Month Day Year Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.
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SERVICE DATE:/ SERVICE FEE \$ Month Day Year Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.
SERVICE DATE:/ SERVICE FEE \$ Month Day Year Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.
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SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.
NOTARIZED.
NOTARIZED.
Signature
Signature
State of
State of
County of
On this day of, 20, before me, the undersigned notary public, personally
appeared \(\square \) personally known to the notary
or \square proved to the notary through satisfactory evidence of identification, which was
, to be the person who signed above in my presence,
and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her
knowledge.
Notary Public:
My commission expires:
Notary identification number:

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STATE OF RHODE ISLAND PROVIDENCE, SC.

SUPERIOR COURT

Barbara Ricci,
Plaintiffs
)
v.
)
C.A. NO. P.C. 2020Kin, Inc, alias
Kohl's Department Stores
Inc., alias,
Kohl's Inc., alias,
Kohl's Inc., alias,
Kohl's Illinois, Inc.,
alias, & Doe 1 Thru Doe 4,
Inclusive
Defendants
)

PLAINTIFFS' JURY TRIAL DEMAND

Now comes the plaintiff, Barbara Ricci, hereby demand a trial by jury on all counts of this Complaint

Plaintiff, Barbara Ricci By her Attorney

/s/Wayne G. Resmini, Esq. Wayne G. Resmini, Esq. #6373
RESMINI LAW LLC
1022 Reservoir Avenue
Cranston, RI 02910
(401) 751-6655 (Phone)
(401) 751-6282 (Facsimile)

Dated: September 1, 2020

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STATE OF RHODE ISLAND PROVIDENCE, SC.

SUPERIOR COURT

Barbara Ricci	<u> </u>
Plaintiff,)
)
Vs.)
) C.A. NO. PC 2020-
Kin, Inc, alias)
Kohl's Department Stores,)
<pre>Inc., alias, Kohl's Inc.,</pre>)
alias, Kohl's Inc., alias,)
Kohls of Illinois, alias, &)
Doe 1 Thru Doe 4, Inclusive)
Defendants,)
	_)

COMPLAINT

- 1. The plaintiff, Barbara Ricci is an individual that is a resident of North Providence, Rhode Island.
- 2. Upon information and belief, Defendant, Kohl's, Inc., alias, and/or Defendant "Doe", aka Defendant, Kohl's Department Stores, Inc., alias, Defendant, "Doe" (hereinafter, "Kohl's") is a foreign corporation with a business address of N56 W17000 Ridgewood Drive in Menomonee Falls, WI 53051 with a licensed to do business address in the State of Rhode Island. Upon information and belief, the Defendant, Kohl's, alias, and/or Defendant, "Doe" is doing business at 321 Putnam Pike, Ste A280 in Smithfield, Rhode Island. The agent for service of process is Corporate Creations Network, Inc., 10 Dorrance Street in Providence, Rhode Island 02903.
- 3. Upon information and belief, Defendant, Kin, Inc., alias, and/or Defendant "Doe", aka Defendant, Kohl's Inc., alias, Defendant, "Doe" (hereinafter, "Kohl's") is a foreign corporation with a business address of N56 W17000 Ridgewood Drive in Menomonee Falls, WI 53051 with a licensed to do business address in the State of Rhode Island. Upon information and belief, the Defendant, Kohl's, alias, and/or Defendant, "Doe" is doing business at 321 Putnam Pike, Ste A280 in Smithfield, Rhode Island. The agent for service of process is Corporate Creations Network, Inc., 10 Dorrance Street, Ste. 700 in Providence, Rhode Island 02903.

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- 4. Upon information and belief, Defendant, Kohl's Illinois, Inc., alias, Defendant, "Doe" (hereinafter, "Kohl's") is a foreign corporation with a business address of N56 W17000 Ridgewood Drive in Menomonee Falls, WI 53051 with a licensed to do business address in the State of Rhode Island. Upon information and belief, the Defendant, Kohl's, alias, and/or Defendant, "Doe" is doing business at 321 Putnam Pike, Ste A280 in Smithfield, Rhode Island. The agent for service of process is Corporate Creations Network, Inc., 10 Dorrance Street, Ste. 700 in Providence, Rhode Island 02903.
- 5. Upon information and belief, Defendant, Kolh's Department Stores, Inc., alias, and/or Defendant "Doe", aka Defendant, Kohl's Inc., alias, Defendant, "Doe" (hereinafter, "Kohl's") is a foreign corporation with a business address of N56 W17000 Ridgewood Drive in Menomonee Falls, WI 53051 with a licensed to do business address in the State of Rhode Island. Upon information and belief, the Defendant, Kohl's, alias, and/or Defendant, "Doe" is doing business at 321 Putnam Pike, Ste A280 in Smithfield, Rhode Island. The agent for service of process is Corporate Creations Network, Inc., 10 Dorrance Street, Ste. 700 in Providence, Rhode Island 02903.
- 6. Upon information and belief, defendant, Doe 1 Thru Doe 4, Inclusive, (hereinafter, "Doe" the true names and capacities whether Individual, corporate, or otherwise, of the named herein as Doe 1 thru Doe 4, Inclusive, are unknown to the plaintiffs at the present time, the plaintiffs sue said Doe defendants by such fictitious names. Plaintiffs informed and believed and therefore alleged that each of the defendant designated herein by fictitious names are in some manner responsible for the events a happening herein referred to, and caused the damages proximate and foreseeable hereby to the plaintiffs as hereinafter alleged. Plaintiffs will ask leave of the Court amend this complaint when the true names and capacities of the "Doe" defendant(s) have been ascertained.
- 7. Plaintiffs' damages are sufficient to confer jurisdiction in the Superior Court.

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COUNT I

- 8. Several days prior to November 24, 2017, defendant, Kolh's, alias, and/or Defendant, "Doe" conducted an unusual and extensive advertising campaign in the Southern New England Area, advertising on radio, television, newspapers and sending out handbills advertising the fact that Kolh's store would be open early with great "Black Friday," bargains on November 24, 2017.
- 9. On or about November 24, 2017, Plaintiff, Barbara Ricci, was a business invitee upon Defendants premises, Kolhl's, alias, and/or Defendant, "Doe" (hereinafter "Kohl's"), located at 321 Putnam Pike Ste. A 280, Smithfield, Rhode Island and at all times herein was in the exercise of due care and caution so as to allow recovery in this matter.
- 10. On or about November 24, 2017, Defendant, Kolhl's, by and through its agents, servants and/or employees was under the obligation to maintain the premises located at 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island in a clean, good, and safe condition for the general public.
- 11. Defendant, Kolh's, had a duty to exercise reasonable care to protect invitees such as plaintiff, Barbara Ricci from those risks of which Defendant, Kolh's was actually aware, and from those risks of which Kolh's should have been aware after reasonable inspection.
- 12. On November 24, 2017, plaintiff, Barbara "Ricci was on the premises at 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island, the Kolh's building, plaintiff, state, that its officers, agents, and employees under the control and supervision of the defendant, Kolh's negligently and carelessly permitted excessive numbers of individuals onto the premises, placing plaintiff and others lawfully upon the premises in danger of injury from overcrowding.
- 13. Defendant, Kolh's, through its officers, agents, servants and employees, was further negligent in failing to control or supervise the conduct of the crowd within the premises. The crowd was unmanageable, and pushed and jostled plaintiff to such an extent that while she was traversing the aisles, she, lost her footing and tripped slipped fell to the floor. Plaintiff, state, defendants, through its officers, agents, and employees, was further negligent in failings to employ more personal to supervise the crowds

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these negligent acts and omissions was a proximate cause of plaintiff's serious injuries.

- 14. As a direct and proximate result of the defendant's negligence, plaintiff has suffered and will continue to suffer severe physical pain and mental anguish, to plaintiff's damage in an amount within the jurisdictional limits of this court.
- 15. Defendant knew, or reasonably should have known, that crowds generated by its advertising, and the store would have a number of people of all ages shopping in the store and could result in harm to invitees such as that suffered by plaintiff.
- 16. Plaintiff's injuries were the proximate result of defendant's breach of its duty owed plaintiff to exercise reasonable care for plaintiff's protection. Defendant breached its duty of care owed plaintiff in the following particulars:
 - (a) in failing to use special police or security personnel or other appropriate means to keep order in the large crowd at defendant's store on the day of the sale;
 - (b) in failing to make any effort to prevent the crowd from engaging in dangerous pushing, shoving, and scuffling.
- 17. As a proximate result of the defendant's negligence, plaintiff has suffered and continues to suffer severe physical pain and mental anguish, to plaintiff's damage in an amount within the jurisdictional limits of this court.
- 18. As a direct and proximate result of the negligence of the Defendant, Kolhl's, the Plaintiff, Barbara Ricci, sustained severe personal injuries that required medical treatment for pain and suffering, trauma, anxiety, and loss of earning capacity, all of which were proximately caused by the negligence of said Defendant, Kolh's, and/or their agents servants and employees..

WHEREFORE, Plaintiff, Barbara Ricci demands judgment against the Defendant, Kolh's, alias, and/or Defendant, "Doe" plus interest, costs, and attorney fees.

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COUNT II

- 19. Plaintiff hereby incorporates by reference each and every allegation contained in Paragraphs 1 through 18 of Count I above and repeats the same.
- 20. On November 24, 2017, Plaintiff, Barbara Ricci, was a business invitee upon the premises owned by the Defendant, Kolhl's, located at 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island, wherein the Plaintiff, Barbara Ricci, was invited to shop and purchase items from said Defendant, Kolh's, and, while upon said premises, sustained a personal injury.
- 21. Plaintiff, Barbara Ricci, having anticipated paying adequate consideration as a business invitee, imposes a contract of responsibility on said Defendant, Kolhl's', to maintain the property in a sufficient manner as to imply safety for its intended business invitee and guests.
- 22. As a result of the Defendant's, Kolhl's, breach of that contractual duty in failing to maintain its property in a reasonable and safe manner, the Plaintiff, Barbara Ricci, incurred medical expenses.
- 23. Additionally, Plaintiff, Barbara Ricci, sustained consequential damages as a result of the breach of contract by said Defendant, Kolhl's, and requests that she be indemnified accordingly.

WHEREFORE, Plaintiff, Barbara Ricci hereby demands judgment against the Defendant, Kolh's, alias, and/or Defendant, "Doe", on Count II, plus interest and costs.

COUNT III

- 24. Plaintiff hereby incorporates by reference each and every allegation contained in Paragraphs 1 through 23 of Count I and II above and repeats the same.
- 25. On or about November 24, 2017, Plaintiff, Barbara Ricci, was a business invitee upon Defendant, Kolhl's, premises wherein the Plaintiff, Barbara Ricci, was invited to purchase items from said Defendant, Kolhl's, and while upon said premises, sustained a personal injury.

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- 26. Plaintiff, having paid consideration as business invitees, impose a contract of responsibility on said Defendant, Kolhl's, to maintain the property in a sufficient manner as to imply safety for its intended business invitee guests, and, further, by its mode of operation, is responsible for such negligence and foreseen conditions on its premises.
- 27. As a result of the Defendant's, Kohl's, breach of that duly in failing to maintain its property in a reasonable and safe manner, the Plaintiff incurred medical expenses and the loss of love, affection, companionship, society and consortium, all to the detriment of the Plaintiff, and as a result of the Defendant implied agreement to said Plaintiff.
- 28. Additionally, Plaintiff sustained consequential damages as a result of the breach of contract by said Defendant their agent's servants and employees, requests that they be indemnified accordingly.

WHEREFORE, Plaintiff, Barbara Ricci hereby demand judgment against the Defendants, jointly and severally, plus interest and costs.

COUNT IV

- 29. Plaintiff hereby incorporates by reference each and every allegation contained in Paragraphs 1 through 28 of Count I, Count II and Count III above and repeats the same
- 30. At all times mentioned in this complaint, defendant maintained, operated, and controlled a store for the retail sale of merchandise, known as Kolh's, located at 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island, wherein the Plaintiff, Barbara.
- 31. In the aisles of where the plaintiff was injured, defendant Kolh's maintained certain platforms that mannequin was resting on were placed throughout the store. The platforms holding the mannequin extended into the aisle, creating an obstruction to those passing along the aisle. The platforms were of a similar color and approximately the same shade as were floor covering and the platforms were not attached to the floors beneath them and created an unreasonable risk of injury to those passing along the aisle who would fail to notice the platform or be

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distracted by the mannequin would be injured by coming into contact with them.

- 32. At all times mentioned in this complaint, defendant knew or in the exercise of reasonable care should have known that the platforms holding the mannequins created an unreasonable risk of injury by their presence, so that patrons of the Kohls store would be surprised after observing other aisles free of such obstructions and the aisle in question often free of the obstructing seats.
- 33. On November 24, 2017, plaintiff, Barbara Ricci, an invitee on defendant's premises, while viewing merchandise in the store with the intent to make purchases, walked against one of the carts on wheels holding merchandise that could not be places on the shelves, until a few moments prior to that time, had been free of obstruction. Plaintiff's struck the cart and a platform holding a store mannequin and the elderly plaintiff fell to the floor, sustaining injuries: [describe injuries].
- 34. Defendant's negligence in maintaining the nuisance created by the collapsible seats under the circumstances described above without any sign or other device warning of their presence was the proximate cause of plaintiff's injuries.
- 35. The injuries to plaintiff were caused solely and proximately by the negligence of defendant, Kolh's their agents, servants, and employees
- 36. On or about, November 24, 2017, Defendant, Kolh's, by and through its agents, servants and/or employees were under any obligation to maintain the premises of Kolh's located at 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island, in a clean, good and safe condition for the general public.
- 37. On or about November 24, 2017, Defendant, Kolh's by and through its agents, servants and/or employees was negligent in maintain the premises of Kohl's at 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island, tin a clean, good and safe condition so as to cause Plaintiff, Barbara Ricci to suffer injures when she tripped over the cart of one of the aisles.
- 38. As a direct and proximate result of the negligence of the Defendant, Kohl's the plaintiff, Barbara Ricci, sustained severe personal injuries that required medical treatment

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for pain and suffering, trauma anxiety, and loss of earning capacity all of which were proximately caused by the negligence of the Defendant, Kohl's.

WHEREFORE, Plaintiff, Barbara Ricci, hereby demands judgment against the Defendant, Kolh's plus interest and costs.

COUNT V

- 39. Plaintiff hereby incorporates by reference each and every allegation contained in Paragraphs 1 through 38 of Count I, Count II, Count III and Count IV above and repeats the same.
- 40. On or about November 24, 2017, Defendant, Kolh's a selfservice establishment, should have reasonably foreseen that a dangerous condition could occur anywhere in the store due to the product sold in its store.
- 41. Plaintiff, Barbara Ricci, entrusted he safety to Defendant, Kolh's, and imposes a responsibility on said Defendant, Kohl's, to take reasonable precautions necessary to protect her form foreseeable conditions that are related to the owner's self-service mode of operation.
- 42. As a result of not taking reasonable precautions to protect the plaintiff, Barbara Ricci, Defendant, Kolh's breached their duty to provide a safe shopping environment for customers in its tore, and Defendant, Kolh's, is liable for the injuries sustained by the plaintiff, Barbara Ricci, on November 24, 2017.
- 43. As a direct and proximate sures of the negligence of the Defendant, Kolh's, the plaintiff, Barbara Ricci, sustained severe personal injuries that required medical treatment that is ongoing as well as other damages proximately caused by the negligence of the said defendant, Kolh's.
- 44. Damages are sufficient to confer jurisdiction upon the Superior Court.

WHEREFORE, Plaintiff, Barbara Ricci, hereby demands judgment against the Defendant, Kolh's plus interest and costs.

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Count VI

- 45. Plaintiff hereby incorporates by reference each and every allegation contained in Paragraphs 1 through 44 of Count I, Count II, Count IV and Count V above and repeats the same.
- 46. At all times mentioned in this complaint, defendant Kolh's, alias, and/or Defendant, "Doe" owned, operated, and controlled a certain retail store, known as Kolh's located At 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island.
- 47. On November 24, 2017, plaintiff, Barbara Ricci entered defendant's store during the regular hours for retail customers to inspect and, if desired, to purchase defendant's merchandise.
- 48. At all times mentioned in this complaint, defendant had the duty to maintain the premises in a reasonably safe condition for retail customers, including plaintiff, and to provide in particular an aisle or other suitable place from which the customers, including plaintiff, could view the merchandise and make their purchases. In violation of this duty, defendant maintained in one of the aisles provided for customers a cart and clothing on the floor not readily observable by patrons of the store whenever the aisle became crowded. Defendant knew or had reason to know that this obstruction created an unreasonable risk of injury to those patronizing the store and could reasonably foresee that a patron, such as plaintiff, would trip and fall over the obstruction and be injured as a result.
- 49. On the date first mentioned above, while plaintiff traversed the above-mentioned aisle with a number of other patrons, looking at the merchandise and moving with due care to avoid bumping into other patrons, plaintiff tripped over clothing and other obstructions in the aisle, fell to the floor, and sustained injuries.
- 50. Defendant's negligence in failing to provide a reasonably safe aisle within which plaintiff might shop, and in maintaining the above-described obstruction in the aisle, was the proximate cause of plaintiff's injuries.
- 51. The above-described injuries to plaintiff were caused solely and proximately by the negligence of defendant and

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without any contributory negligence on the part of plaintiff.

52. As a direct and proximate sures of the negligence of the Defendant, Kolh's, the plaintiff, Barbara Ricci, sustained severe personal injuries that required medical treatment that is ongoing as well as other damages proximately caused by the negligence of the said defendant, Kolh's.

WHEREFORE, Plaintiff, Barbara Ricci, hereby demands judgment against the Defendant, Kolh's plus interest and costs and such other and further relief as the court deems just and proper.

COUNT VII

- 53. Plaintiff hereby incorporates by reference the allegations of paragraphs 1 through 52 as set forth herein.
- 54. Defendants and their agents, servants and/or employees at all times material herein, owned, operated, managed, controlled, and maintained the premises at 371 Putnam Pike, Ste. A280 Smithfield, Providence County in the State of Rhode Island.
- 55. Defendants and their agent's servants and employees were responsible for providing security and safety measures for crowd management and control at 371 Putnam Pike, Ste. A280 Smithfield, Providence County in the State of Rhode Island.
- 56. Defendants their agents, servants and employees had a duty to use reasonable care and specifically an obligation to inspect, repair and reasonably maintain the subject areas, of the premises which it leased, owned, managed, maintained, controlled and/or operated.
- 57. Defendants failed to inspect and maintain the area in a reasonably safe condition and failed to maintain the premises in a condition fit for its intended and foreseeable use.
- 58. Defendants failed to remove, inspect, or maintain, and/or place a railing, rope, guardrail, or barriers around the platform so that individuals lawfully upon the premises would not slip trip and fall over an object that was not properly anchored to the floor and easy to move.

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- 59. Defendants failed to warn customers on the premises of the dangerous condition on the premises.
- 60. Based upon its obligation to inspect and maintain the subject area, Defendants, their agents servants, and employee knew or should have known that the subject area contained or which could not have been discovered by foreseeable users of the subject area through reasonable observation in a crowded store.
- 61. Defendants knew or should have known that the subject area was open to use by business invitees and guests and encouraged and advertised for customers to be there.
- 62. Defendants and their agents, servants and employees having caused them to exist through negligent maintenance and inspection of the subject area, failed to remove the hidden danger and failed to warn the public, including Plaintiff.
- 63. Defendants knew or should have known that the subject area was open to continual and extensive use by the public.

 Defendants failed to provide adequate security or crowd control and failed to instruct or warn patrons of the danger of the platform.
- 64. Defendants, having caused the hidden defect to exist through their negligent placement, design, construction, maintenance and inspection of the premises, failed to remove the hidden defect, abate the dangerous conditions, and failed to warn the public, including Plaintiff, Barbara Ricci concerning the hidden defect.
- 65. As a direct and proximate result of Defendants' failure to use due care in the inspection, repair, maintenance, security, crowd control and warnings regarding the subject area, Plaintiff, Barbara Ricci has sustained severe and permanent injuries and other damages described herein.

WHEREFORE, Plaintiff, Barbara Ricci demands judgment against Defendants, Kohl's, alias, and/or Defendant, "Doe" jointly and severally, on this Count plus interest and costs of this action.

THE PLAINTIFFS DEMAND A TRIAL BY JURY ON ALL COUNTS.

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> Plaintiff, Barbara Ricci By her Attorney

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Dated: September 1, 2020